

SENATE—Wednesday, September 14, 1988

(Legislative day of Wednesday, September 7, 1988)

The Senate met at 9:30 a.m., and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *He that is greatest among you shall be your servant.*—Matthew 23:11.

Father in Heaven, we want to thank You this morning for all of the men and women who labor faithfully at their tasks, day in and day out, generally without any recognition—yet without them, the machinery of life would grind to a halt. Forgive us, Gracious God, for taking for granted these people upon which all of us are so dependent in these buildings and in this city. Thank You for those who clean the streets, who take away the trash, who maintain buildings and grounds, who provide security, who prepare and serve food, who run errands, who keep records. Without them, Lord, we could not continue. Contemplating the absence of all of these faithful servants for a week is unthinkable.

With praise to You and gratitude to them, we ask Your blessing upon each of them and all of them, their families, their peers. Keep us aware of these indispensable ones and sensitize us to their needs and to our dependence upon them. We pray in His name who exalted servanthood as the suffering servant for all. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 14, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. SANFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

Mr. BYRD. I thank the Chair.

FAREWELL TO SENATOR ROBERT T. STAFFORD

Mr. BYRD. Mr. President, in saying farewell to Senator ROBERT STAFFORD, this Chamber is saying goodbye to a man who has long been on the Vermont political scene and has occupied nearly every political office in his State. From 1938 to 1951, he served in the State's attorney's office for Rutland County. From 1953 to 1955, he was in the State's deputy attorney general's office. From 1955 until 1957, he was the State's attorney general. From 1957 until 1959, he was the Lieutenant Governor of his beautiful State. In 1959, he was elected Governor.

Continuing with public service, this durable and successful politician moved from State office to Federal office. For a decade, 1961 to 1971, he held Vermont's single seat in the House of Representatives. In September 1971, Gov. Deane C. Davis named him to the Senate upon the death of Senator Winston L. Prouty.

In taking a seat in the U.S. Senate, ROBERT STAFFORD became the 83d American in history to have served as Governor, Representative, and Senator from the same State. It was at the request of the Nixon administration that he made the quick switch from House of Representatives to the Senate, and the rapidity of this switch enabled him to become one of the few men in history to vote on the same bill in both Houses of Congress.

When he took his seat in the Senate, Senator Hugh Scott introduced him by saying: "His intelligence and his strength of character, as well as his firmness of opinion and his excellent judgment, are all qualities which the Senate can enjoy with added benefit."

With 17 years of hindsight, we can truly appreciate Senator Scott's foresight. Senator STAFFORD has proved to be a fine gentleman as well as an outstanding Senator. His word is his bond. His integrity is beyond reproach. We have enjoyed and profited from his unassuming presence, quiet leadership, and dedicated and effective public service.

His service in the Senate has included positions on the Special Committee

on Aging, the Special Committee on Official Conduct, the Labor and Human Resources, Veterans' Affairs, and Environment and Public Works Committees which he chaired from 1981 to 1987. He also chaired the Education Subcommittee of the Labor and Human Resources Committee.

In these positions, in particular, and as a U.S. Senator, in general, Senator STAFFORD has played crucial roles in protecting and promoting this Nation's precious but limited environment, such as his role in establishing the "Superfund" for waste cleanup. And it involved his role in developing and improving the education of American youth. He was often the swing vote on crucial environmental and educational issues, and this meant going against his own political party. But he put national interests above partisan politics, and the people of United States benefited.

His promotion and support of education was monumental, and it will be an enduring legacy to his long, productive senatorial career. It involved support for education in all forms and at all levels. It included his vigorous support for the enactment of the Vocational Education Act and the Higher Education Facilities Act of 1963. It included his work on behalf of disadvantaged children—helping to insure that they have the same educational opportunity as wealthier children. "Economic status does not guarantee brains," he once pointed out.

It has involved his work on behalf of America's mentally retarded citizens as he has provided important support for the Mental Retardation Facilities Act and cosponsored the Rehabilitation Act of 1973. With his interest in the Nation's handicapped citizens, it is not surprising to learn that one of his best friends is my former colleague from West Virginia, Senator Jennings Randolph, who also worked so hard and effectively on behalf of the Nation's handicapped.

He is now ending a congressional career that began nearly three decades ago. He is ending an entire adult life in public service. It has been quite a career and quite a life for a person who decided way back in 1951 "to drop out of politics."

Fortunately for the people of Vermont and the United States, as well as the U.S. Senate, he did not drop out.

The good people of Vermont obviously felt the same way, as they kept

sending him back to the Senate to represent them.

I know that the men and women of this Chamber have appreciated and loved him. The U.S. Senate needs people with the kind of compassion, dedication, vision, and perseverance that the Senator from Vermont [Mr. STAFFORD] has shown so consistently and so long. He will be difficult to replace.

My wife, Erma, and I wish him much happiness and good health in his retirement.

RESERVATION OF TIME OF THE REPUBLICAN LEADER

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved for his use later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Vermont.

EXPRESSION OF APPRECIATION

Mr. STAFFORD. Mr. President, I will yield the floor in just a second.

I express my very deep appreciation to the majority leader for the very kind words that he has spoken this morning about the Senator from Vermont.

I do want the majority leader to know how much I have admired him and the way he has run this Senate over all of the years that I have been here, with the exception of the first four when Senator Mike Mansfield was the majority leader and Senator BYRD was the assistant majority leader, and later when he was the minority leader and Senators Baker and DOLE were majority leaders.

I consider the Senator from West Virginia, our majority leader, to be a true outstanding American and typical of the American dream that a man can start from humble beginnings and become a very important leader in this country.

For that reason especially I appreciate the kind words of the Senator from West Virginia, our majority leader.

Mr. BYRD. Mr. President, if the Senator will allow me, I have been in the leadership on this side of the aisle for 22 years in one capacity or another,

and I have been actually the floor leader, if I might be so modest as to say it, for 22 years. Mr. Mansfield allowed me to do the floor work when I was secretary to the Democratic conference and when I was the whip.

Not once in all of that time has the Senator from Vermont ever been a problem to this Senator in whatever capacity I was serving as a part of the leadership on this side. He has always been a perfect gentleman, and that is saying a lot.

Mr. STAFFORD. The Senator from Vermont very much appreciates that.

Mr. BYRD. I do not know of any higher title that one can give than that.

I will always remember him with a great deal of affection and fondness and with the highest personal esteem.

Mr. STAFFORD. I thank the leader, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, that was a marvelous tribute our leader, Senator BYRD, paid to Senator STAFFORD, and it was the truth. This is a great U.S. Senator, BOB STAFFORD. As I said yesterday, he is Mr. Environmental Protection in the Senate, covering both parties. He is also a great champion of education and he has been, as the leader said so well, a true gentleman in every sense as well as a vigorous advocate of his viewpoint and the viewpoint of his party.

AMERICA'S HEALTHIER, HAPPIER FUTURE

Mr. PROXMIRE. Mr. President, this is the second in a series of speeches on why the future is going to be far brighter for American citizens than the past. This is true regardless of economic developments. The country will certainly suffer recessions in the future. We may endure another full-fledged depression. Certainly our children and grandchildren will have to bear an immense interest burden because of the huge national debt, the even larger household debt and the biggest of all time business debt. In my last speech on the improving life for Americans I talked about what improved education will do to provide a better life for a more literate, more highly skilled, more adaptable American people.

Today I will discuss the single most important element in a happy and successful life: Health. Americans have already sharply improved their health. This improvement is most clearly evident in the present generation. The improvement is ongoing. We live longer, have fewer days of illness, suffer fewer aches and pains, are better equipped to diminish the aches and pains we do suffer than our parents and far better than our grandparents.

There is every reason to expect that our children and grandchildren will be even healthier. The statistics are emphatic. They're consistent. Americans are living longer with each passing year. Life expectancy is now past 70. It is increasing year by year. Until 1950 much of this progress was because of diminishing infant mortality. Today it is because of better control of chronic diseases among the middle aged and the elderly. And especially because of an onrushing improvement in how Americans live, in the last 15 or 20 years, there has been a remarkable change in life style: diet, exercise, and relaxation that has helped greatly to extend life. Cigarette smoking which had been rising until the middle of the century has begun to diminish. Today only about 30 percent of American adults smoke, the lowest level in years and smoking continues to fall.

The two great killers: Heart disease and cancer have declined in the mortality tables in every decade since 1950. They will continue to diminish in coming years. Heart bypass operations and heart transplants have provided sensational life saving. Earlier detection, prompter treatment including surgery for cancer victims have saved millions of lives. But the avoidance of fatty, cholesterol-laden foods and the recognition that cigarettes are truly coffin nails may have played an even greater role in saving lives and diminishing the incidence of those two great killers, heart disease and cancer. Will this improvement in health continue for our children? Of course it will and no economic setback, no recession, no depression will stop it or even slow it down.

Many experts tell us that the greatest contribution to a healthy life comes through regular, vigorous, extended, daily exercise.

Let's be specific. How much can exercise reduce the incidence of heart disease? What specific documented evidence actually proves that exercise diminishes heart disease? The fact is that a number of observational studies funded by the Federal Government have shown the incidence of coronary heart diseases to be about half as high among men who regularly take part in vigorous physical activity. Get that? An American's chances of avoiding a heart attack are literally twice as good if he engages in regular physical exercise.

But does exercise really make a person happier? Yes indeed. The antidepressant effects of exercise are widely accepted. Experimental studies have again and again shown a reduction in temporary anxiety states. What does that mean? That means we're less sad. It means we're happier when we exercise. But do we exercise that much more? We sure do. National polls show that the amount of time

spent by adults in vigorous physical activity has increased in the past 20 years. And it will increase. Come recession or economic depression. We're going to be happier and healthier.

One of the Nation's great heart experts, when asked how to avoid heart trouble, offered a two-word prescription: "Keep moving." Anyone sitting in his car, driving to work or lolling near an open window watching the world go by must have been struck by the remarkable increase in recent years in the number of people jogging, running or rapidly pacing down the sidewalk. When this Senator started running 5 miles to work every morning about 25 years ago, I was recognized as the freak I am. But no longer. Today people of all shapes, sizes, and ages as well as both sexes are out running, hiking, jogging along the sidewalks of this and every other city and town in America as if their lives depended on it and of course they do. And we're just beginning. America is steadily increasing its running, walking, rowing, calisthenics, golf, tennis, and soccer. America especially has a healthier future ahead of it, as it finds exercise is fun.

That brings us to the most important contribution better health will bring to future Americans. Life will not only be longer. It will be better. Not only will we have more years in our life, we will have more life in our years. We will consume less alcohol, less tobacco, less fat. As we walk and run and play through life we will feel so much better: More energetic, less aches and pains, more easy, healthy laughter, and less sad depression.

Can we live the healthy life through economic depression? We sure can. When we can't afford the quick and easy highs of intoxicating beverages, we can always afford to get up, stretch our legs and take a long, fast-paced hike. Exercise not only increases your resistance to disease. It not only stimulates our energy. It helps us to relax more easily. We sleep better. Our tension lifts. Our troubles blow away. We laugh more easily and more often. No recession, no economic depression can take that away from Americans.

So what's right about America's future? It will be healthier. A lot healthier.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

ATMOSPHERIC CONTAMINATION—III

Mr. STAFFORD. Mr. President, I have in my hand a common styrofoam coffee cup, the kind we used to have available in Senate cafeterias and dining rooms in this building.

The blowing agent that helps to hold this cup rigid and that provides insulation is one of a family of chemicals known as chlorofluorocarbons, [CFC's] for short or freons as the public know them. These are the chemicals that are used as cleaning agents in manufacturing processes and as refrigerants.

The chemical used in this cup has a lifetime of 150 years. And, when it is released into the atmosphere—and it will be released into the atmosphere sooner or later—this CFC will play its part in the destruction of the Earth's stratospheric ozone layer and in the creation of the so-called greenhouse effect.

Production of CFC's was commercially insignificant until 1931. But, by 1984, the production of only two of the chemicals in this family—CFC's 11 and 12—was about 1.4 billion pounds.

Each pound of CFC contains billions of molecules of CFC's and each of those molecules has the ability to destroy 100,000 molecules stratospheric ozone.

Each and every molecule of CFC's ever produced by a man is still in existence today and will still be around for another century or so and will continue destroying ozone molecules in the stratosphere day after day.

Those ozone molecules make up the ozone layer in the stratosphere that protects all living things on Earth from the deadly radiation of outer space. That layer is being weakened everywhere by CFC's. In addition, over the Antarctic, a hole in the layer as big as North America occurs each winter.

The message is clear—the release of CFC's into the air is a threat to life on Earth. And, CFC's are not the exception. They are the rule. We are flooding the atmosphere with a variety of polluting chemicals that threaten our health and our lives.

In the United States alone, each year we dump an average of 37,000 pounds of air pollution into the atmosphere for each man, woman, and child in this country.

Our use of fossil fuels to power the development of the world in the 20th century has resulted in sixfold increases in annual sulphur dioxide emissions since 1900. Nitrogen oxide emissions have increased tenfold in

the same period. These gases, along with hydrocarbons, are the major sources of both urban air pollution and acid rain.

Fossil fuel combustion also forms carbon dioxide, one of the gases believed to cause global warming and climate change. Annual global emissions of carbon dioxide have increased tenfold in this century.

Depending on its capacity, each tank of gasoline produces about 400 pounds of carbon dioxide. The average electric powerplant sends 2 pounds of coal up its smokestack for every pound it converts into electricity.

Most of the pollutants we pump into our atmosphere do not exist in nature, and of those that do occur naturally, they do so in vastly smaller quantities.

So, it is easy to overlook the enormous aggregate total and, more importantly, the extreme potency of many of the pollutants. For example, concentrations of ground level ozone are regulated by the Environmental Protection Agency under provisions of the Clean Air Act. The EPA has established 120 parts per billion of ozone as a level that is safe.

But, ozone is a potent chemical agent. At 120 parts per billion, ozone begins to change cell walls within seconds of entering the human lung. We have this knowledge at a time when the soup of pollutants we breathe is thicker and more unhealthy than ever before.

Up to now, as our standard of living has advanced through rising levels of industrial production, pollution has increased as well. We must uncouple those two conditions before it is too late.

We have to produce less pollution by using less fossil fuel and by eliminating the releases of other chemicals, like CFC's, that cause us so much trouble. It is pollution that costs us so much money, not pollution control.

I ask unanimous consent that tables and other data summarizing the amounts of pollution released in the United States and in the rest of the world be printed in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STAFFORD. Mr. President, tomorrow I will discuss briefly the roll of the most common of our air pollutants—carbon dioxide.

Mr. President, I yield the floor.

EXHIBIT 1
ANNUAL EMISSIONS OF ENVIRONMENTALLY IMPORTANT TRACE GASES, 1925-85

Year	Chlorofluorocarbons (thousand metric tons)		Carbon dioxide (million metric tons of carbon)		Year	Chlorofluorocarbons (thousand metric tons)		Carbon dioxide (million metric tons of carbon)		Biotic sources	
	CCl ₄ F (CFC-11)	CCl ₂ F ₂ (CFC-12)	Biotic sources	Fossil fuel combustion and industrial processes		CCl ₄ F (CFC-11)	CCl ₂ F ₂ (CFC-12)	CCl ₄ F (CFC-11)	CCl ₂ F ₂ (CFC-12)	Fossil fuel combustion and industrial processes	Fossil fuel combustion and industrial processes
1925	0	0	886	X	1956	28.7	56.1	1,655		2,185	
1926	0	0	942	X	1957	32.2	63.8	1,662		2,278	
1927	0	0	997	X	1958	30.2	66.9	1,675		2,339	
1928	0	0	1,045	X	1959	30.9	74.8	1,682		2,470	
1929	0	0	1,059	X	1960	40.5	89.1	1,689		2,586	
1930	0	0	1,073	X	1961	52.1	99.7	1,696		2,602	
1931	0	.1	1,087	X	1962	65.4	114.5	1,703		2,709	
1932	0	.1	1,101	X	1963	80.0	133.9	1,703		2,855	
1933	0	.1	1,101	X	1964	95.0	155.5	1,710		3,016	
1934	0	.2	1,135	X	1965	108.3	175.4	1,712		3,154	
1935	0	.3	1,149	X	1966	121.3	195.0	1,821		3,313	
1936	0	.5	1,163	X	1967	137.6	219.9	1,869		3,420	
1937	0	.8	1,184	X	1968	156.8	246.5	1,918		3,595	
1938	.1	1.2	1,191	X	1969	181.9	274.3	1,925		3,808	
1939	.1	1.7	1,205	X	1970	206.6	299.9	1,883		4,116	
1940	.1	2.3	1,218	X	1971	226.9	321.8	1,869		4,267	
1941	.1	3.0	1,225	X	1972	255.8	349.9	1,855		4,435	
1942	.1	3.7	1,239	X	1973	292.4	387.3	1,835		4,678	
1943	.2	4.5	1,253	X	1974	321.4	418.6	1,835		4,684	
1944	.2	6.1	1,267	X	1975	310.9	404.1	1,835		4,660	
1945	.3	8.0	1,288	X	1976	316.7	390.4	1,835		4,924	
1946	.6	13.9	1,302	X	1977	303.9	371.2	1,828		5,065	
1947	1.3	21.3	1,315	X	1978	283.6	341.3	1,821		5,108	
1948	2.3	24.8	1,336	X	1979	263.7	337.5	1,814		5,345	
1949	3.8	26.6	1,350	X	1980	250.8	332.5	1,807		5,255	
1950	5.5	29.5	1,454	X	1981	248.2	337.4	X		5,115	
1951	7.6	32.4	1,516	1,639	1982	239.5	343.3	X		5,079	
1952	11.0	33.7	1,565	1,803	1983	252.8	343.3	X		5,068	
1953	15.0	37.9	1,620	1,848	1984	271.1	358.4	X		5,252	
1954	18.6	42.9	1,634	1,872	1985	280.8	368.4	X		5,400	
1955	23.0	48.2	1,641	2,050							

¹ Preliminary, 0 = zero or less than half the unit of measure. X = Not available

Sources: Chemical Manufacturers Association; Ecological Monographs; and University of New Orleans.

ATMOSPHERIC CONCENTRATIONS OF ENVIRONMENTALLY IMPORANT TRACE GASES, 1959-86

	Parts per million, CO ₂	Parts per trillion				Parts per billion	
		CCl ₄	CH ₃ CCl ₃	CCl ₃ F (CFC-11)	CCl ₂ F ₂ (CFC-12)	N ₂ O	CH ₄
1959	316.1	X	X	X	X	X	X
1960	317.0	X	X	X	X	X	X
1961	317.7	X	X	X	X	X	X
1962	318.6	X	X	X	X	X	X
1963	319.1	X	X	X	X	X	X
1964	319.6	X	X	X	X	X	X
1965	320.4	X	X	X	X	X	X
1966	321.1	X	X	X	X	X	X
1967	321.8	X	X	X	X	X	X
1968	322.8	X	X	X	X	X	X
1969	324.2	X	X	X	X	X	X
1970	325.5	X	X	X	X	X	X
1971	326.5	X	X	X	X	X	X
1972	327.7	X	X	X	X	X	X
1973	329.8	X	X	X	X	X	X
1974	330.4	X	X	X	X	X	X
1975	331.0	104	70	120	200	291.4	1,525
1976	332.1	106	78	133	217	293.3	1,555
1977	333.6	115	86	148	239	294.6	1,573
1978	335.2	123	94	159	266	296.4	1,596
1979	336.6	116	112	167	283	296.3	1,619
1980	338.4	121	126	179	307	297.6	1,639
1981	339.5	122	127	185	315	298.5	1,656
1982	340.7	121	133	193	330	301.0	1,671
1983	342.7	126	144	205	350	300.9	1,663
1984	344.3	130	150	213	366	300.4	1,689
1985	345.6	130	158	223	384	301.5	1,711
1986	346.7	X	X	X	X	X	X

¹ Estimated from January-October monitoring data. X = Not available.

Sources: Scripps Institution of Oceanography; and Science.

Mr. REID addressed the Chair.
 The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SENATOR ROBERT T. STAFFORD

Mr. REID. Mr. President, I wish to compliment the senior Senator from Vermont on his statement today.

I, coincidentally, have a statement also today on the greenhouse effect. I would indicate to the Members of the Senate that the leader, of course, in the environmental battle since I have been in the Senate has been the senior Senator from Vermont. I serve on the

Environment and Public Works Committee with him. I found that to be one of the real pluses of being in the Senate, to have had the opportunity to serve with BOB STAFFORD.

I also recognize the work that he has done on chlorofluorocarbons. I have looked at the legislation that he will introduce tomorrow—I think it is outstanding—setting a cutoff date at the turn of this century. This is only one of the many things he has done, but I compliment him on the work in this area, especially.

Mr. STAFFORD. Mr. President, if the Senator will yield. Very briefly, I

would like to say how much a pleasure it has been to serve with him on the Committee on Environment and Public Works. I very much appreciate his very gracious words this morning.

DEPLETION OF THE OZONE LAYER

Mr. REID. Mr. President, I spoke the other day concerning one of the very important and difficult environmental problems that face us as a world, and that is the so-called greenhouse effect that Senator STAFFORD so well described just a minute ago. This

is, of course, where increased carbon dioxide levels are resulting in a general trend toward global warming which can result in flooding, drought, sickness, and pestilence. This is only one of several environmental problems that we must deal with in the near future. A second problem that we must tackle is the depletion of the ozone layer.

Mr. President, there was barely enough time to celebrate: Less than 6 months after nations agreed to cut down on chemicals that kill the Earth's ozone layer, the bad news hit—damage might already be three times greater than assumed by the international agreement on the protection of the ozone layer signed in Montreal in September 1987. The Montreal Treaty orders first a freeze and then, by 1999, a 50-percent cut in chlorofluorocarbon consumption in developed nations.

Ozone in the upper atmosphere protects the planet from the Sun's ultraviolet rays that can cause skin cancer, damage the eyes and the immune system and kills small plants and animals. Each 1 percent drop in ozone results in a 2 to 3 percent rise in the ultraviolet light which reaches the Earth.

Damage now is being caused by chemicals released in the 1970's and earlier. Chlorine based chemicals rising today will take 7 to 10 years to reach the stratosphere, 6 to 15 miles above the Earth's surface. Once there, the destructive chlorine molecules remain for as long as a century. A thorough analysis by more than 100 top scientists was released on March 15 of this year by NASA indicates that the ozone layer has already been depleted by up to 3 percent since 1969. Prior to this finding it had only been assumed that there had been about a 1-percent global ozone loss. The hole in the ozone is spreading outward toward populated areas in South America. It now covers an area as big as that of the United States.

Mr. President, there is little that we can do about the chlorine based chemicals that have already been released into the atmosphere and are now working their way upward where they do severe damage. However, we must take action now if we are to put a stop to this process and keep the damage from becoming even greater. Some first steps have been taken. A week after the NASA's announcement, Dupont—the world's largest producer of chlorofluorocarbons—announced plans to end all production of those chemicals but has not yet specified a date.

Earlier this year, the Senate ratified the Montreal Treaty to protect the ozone layer as well. We should not rest on these accomplishments but should continue to do everything that we can to eliminate further use of these chemicals. Although the damage al-

ready done is irreversible, we must make every effort to see that it does not get worse.

Mr. President, chlorofluorocarbons are not the only chemicals that we have to worry about in terms of the damage being done to our environment. Between 1,000 and 2,000 chemicals come on the market every year. More than 7 million are now known and thousands of new ones are being discovered each year. They are a double-edged sword. Beneficial but potentially deadly.

Bhopal, Chernobyl, Love Canal, the Rhine—the scale of accidents involving toxic chemicals have dramatically increased over the past few years. There are so many hazardous chemicals and the number is increasing so fast that it is difficult for most countries, particularly underdeveloped ones, to keep ahead of the game. We must do a better job of providing information to developing countries on what chemicals are most dangerous and how they can best be handled.

But information alone is not enough. Tougher national and international controls are also essential. It's likely that international controls can only be accomplished through an international treaty to control the manufacture and handling of hazardous chemicals. We are already seeing cases where stringent regulations in developed countries have resulted in an increase in waste dumping in the seas or in developing countries. We need to get an international agreement that will do a better job of controlling the use of these chemicals globally.

Mr. President, I commend and applaud the chairman of the Environment and Public Works Committee for holding hearings. In fact, today, in just a few minutes, there will be a hearing that will begin on the effects of the greenhouse problem that we have discussed earlier and Senator STAFFORD discussed earlier. I do recognize that this is a problem worldwide in scope and it is something that must receive worldwide attention.

I yield the floor.

EXTENDING MORNING BUSINESS FOR 20 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 20 minutes and that I be permitted to speak therein.

THE ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISNEYLAND STRATEGIC POLICY AND THE WHITE HOUSE

Mr. BYRD. Mr. President, on September 7, a week ago today, the President made a highly rhetorical speech on defense matters, and accused the Democratic Presidential candidate of

advocating a "return" to what the President termed a "Disneyland defense policy."

The New York Times carried a story on the President's speech with the headline "Reagan Asserts Democrats Would Hinder U.S. Defense." I quote from a paragraph therefrom:

Zeroing in on the Democrats, Mr. Reagan said, "We are still fighting the same battle we were fighting when I addressed you eight years ago." He said the Democratic Party "hides behind heroic rhetoric."

The Washington Post carried the story headlined "Reagan Scorns Dukakis on Defense," subheadlined "Democrat's 'Disneyland' Policies Are Called Menace to Security."

The speech was an attempt at an amusing series of mental images from the world of Disney, such as Mickey Mouse, Goofy, and Donald Duck, in order to illustrate the argument of this very political White House that Democrats are weak on national defense, and soft on our national security. This imagery might be amusing if the subject were not so serious and vital to the future of our country, and if this administration's deterrent posture stood on more solid ground.

Politics, unfortunately, has intervened far too much in what should be decisions made solely on national security grounds. The White House team has allowed partisan politics to govern major decisions on vital security questions. There is no area in which this is more clear than on the 8 years of neglect and nonsense surrounding the nondecisions made on America's long-range missiles. If anyone is qualified to discourse on Disneyland, it is this White House, which has vacillated on our land-based missile vulnerability. This administration should have deployed a survivable land-based missile system years ago, as it promised the American people it would do.

Indeed, Mr. President, there can be no starker contrast than the comparison between the rhetorical promises of this administration to solve this problem and its miserable failure to act to do so. Clever rhetoric is not enough when the issue is one of such importance to the security of the American people. This President, as a candidate in 1980, promised to remedy the growing vulnerability of our missiles, even as he criticized the proposal of the previous administration to do so in the so-called racetrack deceptive basing system. In retrospect, if we had that system deployed today, we would have provided for the effective survivability of the MX missile at a far cheaper cost than it will take during the next administration. Furthermore, our leverage over the Soviets on arms control matters would be far greater.

The 1980 Republican platform said, "In order to counteract the problem of ICBM vulnerability, we will propose a

number of initiatives to provide the necessary survivability of the ICBM force in as timely and effective a manner as possible. In addition, we will proceed with the earliest possible deployment of the MX missile in a prudent survivable configuration." The racetrack plan was rejected by this administration for three reasons: First, like any comparable system, it was costly; second, it was objectionable to the President's base of support in the Western States where it was to be deployed and; third, frankly, to embrace it would have admitted the viability of a plan which was vilified by candidate Reagan during his Presidential campaign.

Three years later, the administration still had accomplished no progress toward its goal of an alternative survivable basing mode, but reiterated the theme, which we all can agree with, that, without a survivable system on the drawing boards, the Soviets would have no incentive to negotiate an equitable arms control treaty with the United States on strategic systems. The President said this on April 19, 1983: "Make no mistake; unless we modernize our land-based missile systems, the Soviet Union will have no real reason to negotiate meaningful reductions. If we fail to act, we cannot reasonably expect an acceptable outcome in any arms control negotiation and we will also weaken the deterrent posture that has preserved the peace for more than a generation."

Lest there be any doubt about the vulnerability of our silo-based Minuteman and MX force, here is what Secretary of Defense Caspar Weinberger said to the Senate Armed Services Committee on December 2, 1982, nearly 6 years ago: "We believe 95 percent of the existing Minuteman system would be lost to a Soviet first strike * * * so we now have an urgent need to strengthen, to redress the neglect of the past several years that has weakened the balance and the effectiveness of our strategic deterrence."

Frustrated with the inability of the Reagan administration to come up with a viable basing scheme, the Congress ultimately required the administration to select a permanent basing mode for the MX by December 1, 1982. The resulting recommendation by the administration was the so-called densepack basing scheme, to deploy 100 MX missiles very closely together. This idea was supported only by some highly theoretical and unjustifiable arguments about survivability in such a basing mode. The scheme was summarily rejected by both sides of the aisle in the Senate before the ink was dry on it.

In response to the continued problems encountered by the administration in the search for a basing mode for the MX, a Commission on Strategic Forces, headed by former Gen.

Brent Scowcroft, was appointed. This Scowcroft Commission reported its recommendations in April 1983. It emphasized the need to pursue strategic stability and to structure our nuclear forces in ways that enhance stability. Primarily, this means that survivable basing modes are essential. The Scowcroft Commission recommended placing 100 of the MX missiles in existing Minuteman silos while processing immediately to begin work on a small ICBM with a single warhead—a missile that could be deployed with a survivable, mobile basing scheme. The Commission also recommended the pursuit of strategic arms control agreements which would enhance stability.

Many Senators will remember the very intense lobbying by the administration to persuade Congress to accept the dual recommendations of the Scowcroft Commission to procure some MX missiles while pursuing Midgetman. It was only the promise of the mobility of the Midgetman that persuaded the Congress to procure any new MX missiles at all, since the administration wanted to put them in existing silos, which simply put more lucrative eggs in the same old vulnerable holes. It is well to keep this in mind in light of the administration's current proposal to junk Midgetman entirely and deploy MX in yet another nonsurvivable mode, the so-called rail garrison deployment.

The Reagan administration embraced the Scowcroft report and used its concepts to gain approval for the initial deployments of MX's in Minuteman silos. It also accelerated development of the small ICBM. Congress supported these actions, although with continued skepticism regarding the MX deployment. After 2 years of debate, Congress ultimately determined that no more than 50 MX missiles would be deployed in the vulnerable silos. The Reagan administration, however, continued to place relatively little emphasis on survivability of the basing mode for the missile—the very issue which, according to this same administration, created the "window of vulnerability" in the first place.

After still more study, the administration determined in late 1986 that additional MX's should be deployed in the so-called rail garrison mode. In this scheme, the missiles are mounted on rail cars and garrisoned on military bases during peacetime. In crises, they could be dispersed over the Nation's rail system. This basing mode is not survivable unless the missiles are out on the tracks, and even then there is the possibility that terrorists or sabotage could destroy the missiles. The concentrations of missiles in their garrisons could give the Soviets a strong incentive for sneak attacks, since they would be able to wipe out the MX easily in its garrison.

The Congress has supported development of both the rail garrison system and the mobile small ICBM, but the Reagan administration's commitments have been less constant. Earlier this year, Secretary of Defense Carlucci recommended canceling the small missile, citing the "cost per warhead." The logic of the Scowcroft Commission concerning strategic stability and the virtues of the single warhead missile was ignored.

The current situation is that Congress has recommended that both programs be kept alive with sufficient funding to enable the next administration to make the final determination. Whatever is decided, it will be clear that the Reagan administration has wasted time and countless billions while unable to solve the problems of vulnerability which they said were urgent more than 8 years ago.

In the meantime, the Soviet Union has modernized both its land-based and sea-based missile forces and has begun deploying two new mobile ICBM's, the SS-25 and the SS-24. Thus, the Soviets have gone on building and deploying both fixed and mobile land-based missiles, while the administration has produced absolutely zero progress to solve the problem of the alarming vulnerability of our missiles to Soviet attack which the administration was so concerned about. During the 1980's, while the Reagan administration was studying, the Soviets were deploying new versions of the heavy SS-18's, the missile which can destroy all United States silo-based missiles, as well as other variants: SS-16's, SS-17's, and SS-19's, and finally, the mobile SS-24's and SS-25's already mentioned. In short, the Soviet Union has modernized its land-based missile force, improving the accuracy, the military capability, and the survivability of their forces. These developments pose a heightened threat to U.S. forces.

U.S. land-based missile vulnerability has grown progressively over the last 8 years, because the administration has been unable to produce an acceptable solution to make our missiles survivable. One ridiculous scheme after another has been floated, all of them rejected out of hand, because they were dominated by political considerations. Indeed, the fantasyland exhibits of this White House's defense Disneyland are loaded with the rejected systems that have been developed and discarded.

If anything deserves the names, "Goofy" and "Daffy", and "Mickey Mouse," it is those Rube Goldberg exercises, from "Big Bird" to "Dense Pack." The truth is that this administration has refused to bite the bullet and insulate our missile systems from attack. The White House has wasted nearly a decade, while the Soviets

have successfully modernized their missile inventory. It should be clear as to who is really weak and indecisive about defense policy.

The decade of neglect has resulted in making our country more vulnerable to a surprise attack, which could destroy our entire land-based missile force, the most powerful force the United States possesses—the most important leg of the strategic triad. Our land-based missiles are the jewel of our strategic nuclear defense. They combine reliability with high accuracy, great explosive power, and rapid delivery. The major problem is in the steadily eroding survivability of the system to Soviet attacks with their huge missile inventory. The result of that imbalance is that a President must launch U.S. land missiles as soon as an incoming attack is confirmed, a matter of less than one-half hour, or we will lose them. Our Commander in Chief is now in a use-it or lose-it situation, a hair-trigger situation, and the time available for sound decisionmaking is measured in minutes—not hours, not days, but minutes. This is a dangerous position for any President to be in, for the risks of accidental launch increase with computer error and other human failings. The Vincennes incident illustrates the problem we face when competent commanders are confronted with situations of high stress, information overload and confusion, and the need to act quickly or risk the loss of men and valuable assets. In such situations, even the best technology we now have provides no ready answer, no certainty that the right decision is being made. Uncertainties and stresses can lead to disastrous results intended by no one, and we are talking about the possible destruction of millions of lives here on Earth, not just one ship. In light of all these considerations, I have to conclude that our country may today be closer to accidental nuclear war with the Soviet Union than it was 8 years ago. As this administration ends its tenure, our country is less safe and more vulnerable than when it took office. No program exists to make our large missiles more secure from attack, and this neglect is a failure of the bedrock responsibility any administration is charged with when it is elected to govern America. And that kind of neglect is unconscionable.

In sum, the Reagan administration's handling of this issue is a tragicomedy of irresponsibility, indecision, false starts, wasted opportunities, and weak and contradictory actions. First, having correctly contended 8 years ago that there was a critical window of vulnerability which needed immediate attention, it has ignored its own arguments. Now it is not just the window which is open; the whole side of the house is open. The only land-based

missiles that have been deployed in 8 years have been deployed in vulnerable silos. Moreover, all Titan missiles have been retired. The result is that we have fewer land-based missiles deployed today than we did 8 years ago. So, we are more vulnerable, particularly in light of vigorous Soviet programs and deployments.

Second, incredibly, having opted for a period of time for the mobile Midgeman, the administration is backing off this option, and has even proposed to the Soviet Union that all mobile missiles be banned. Let us hope the Soviets reject this proposal, which would make permanent our inferiority in land-based missiles. Such an outcome in an arms control treaty, I believe, would face grave problems for Senate approval. It is, of course, highly unlikely the Soviets would accept this proposal in any case, since they have already deployed mobile missiles, and we have not. They would, therefore, be giving up a highly sophisticated, valuable system in return for nothing whatsoever. Mr. Gorbachev may appear amiable, but he is no more a philanthropist than is any other Soviet leader. The Reagan administration, which has argued for the MX deployment in any basing mode to enhance its bargaining power in Geneva, has failed to achieve an agreement with the Russians in 8 years. In the meantime, the Soviets have deployed mobile ICBM's and continued their own modernization program without delay. The disparities between the United States and Soviet forces are far greater now than they were 8 years ago. The administration has failed to either deploy a modern and survivable ICBM or to achieve a sound strategic arms control agreement.

The 1989 Defense authorization bill, recently vetoed by this President, continues funding to keep both the Midgeman and rail MX in development so that the next President at least has the option to decide what system to finally deploy. The least this administration can do is to allow that legislation to become law so as to preserve our Nation's options in order to begin recouping the dangerous damage 8 years of vacillation has incurred.

So all in all, this administration is living in a glass house when it throws a stone at Democrats for its so-called Disneyland defense policies.

Mr. President, I ask unanimous consent to print in the RECORD the two news stories from the New York Times and the Washington Post to which I briefly referred.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 7, 1988]

REAGAN SCORNS DUKAKIS ON DEFENSE—DEMOCRAT'S "DISNEYLAND" POLICIES ARE CALLED MENACE TO SOCIETY

(By Lou Cannon)

LOUISVILLE, Sept. 6.—President Reagan charged today that the election of Michael S. Dukakis would undo the U.S. military buildup of the past eight years and replace it with a "Disneyland defense policy" that would destroy America's capability to deter war.

In a speech to the American Legion, Reagan unleashed his harshest attack of the campaign against the Democratic presidential nominee's defense policies.

"It comes down to this," Reagan said. "After eight hard years rebuilding America's strength, do we really want to return to a Disneyland defense policy—with Mickey Mouse treatment of our men and women in uniform; Goofy strategic plans and Donald Duck-like lectures telling us that whatever goes wrong is our own blankety-blank fault? Or do we want to keep advancing on the road of strength and determination and peace and freedom?"

Reagan was often interrupted with applause from a friendly audience. One of the loudest cheers came when he said he wanted to be sure that a Cabinet-level Department of Veterans Affairs was created before he left office.

Without mentioning Dukakis by name, Reagan heaped scorn on Dukakis' pledge to improve U.S. conventional military capability and strengthen the North Atlantic Treaty Organization, saying the policies he advocates "would diminish the role of the very nuclear forces that NATO needs to deter the Soviets." He also said that the conventional defense initiative proposed by Dukakis was "smaller than the one we are already working on."

Quoting from a speech he gave to the Legion while campaigning for the presidency in 1980, Reagan observed that he had promised to rebuild U.S. military strength and then "strive for arms limitation agreements" with the Soviet Union. The president said the Intermediate-Range Nuclear Forces Treaty and Soviet withdrawal from Afghanistan provided tangible evidence of the success of the "peace through strength" policy he had advocated.

"Our reward is that from Afghanistan to the Persian Gulf to southern Africa, we are bringing peace to long-ranging conflicts, even as we frustrate Soviet aims," Reagan said. "In eight years we have not give up one square inch of land to communism. In fact, we have taken some ground back for freedom. And yet today relations between the United States and the Soviet Union are the best they've been in decades."

Aides said the content and timing of Reagan's speech had been coordinated with the campaign of Republican presidential nominee George Bush, who is scheduled to address the Legion Wednesday. Dukakis speaks Thursday.

"The president and vice president share the view that Dukakis is particularly vulnerable on defense issues," said a White House official. The official, who discussed Republican campaign strategy under condition of anonymity, said Reagan will concentrate on "defending the record of the past eight years" and warning that peace could be jeopardized if Dukakis is elected, cuts the defense budget and "returns to the policies of the past."

That was the position taken by Reagan today in a speech that made several implicit comparisons between Dukakis and former President Jimmy Carter. Reagan described the Carter administration's defense policy as "a national calamity" and suggested that Dukakis would repeat the experience.

"We still hear the voices of the liberal ideology of decline and retreat," Reagan said. "Again the hit list for cancellations or delays includes the MX [intercontinental ballistic missile], the B1 [bomber], a new Trident missile, and the surface Navy—this time two carrier battle groups they'd like to see done away with. To that they've added nearly every major new weapons system to become prominent on the scene since the last liberal administration went to its reward, including the Midgetman missile, the Stealth bomber and our Strategic Defense Initiative."

In contrast to his other assertions of foreign policy accomplishment, Reagan acknowledged that he had met with "too little success" in his efforts to persuade Congress "to honor a moral obligation, as well as an obligation to the peace and freedom of our children in this hemisphere, and give strong and consistent aid to the freedom fighters in Nicaragua." He told the Legion, a supporter of contra aid, that "with your help we might still convince Congress to do what's right."

Reagan spoke en route from a vacation in California.

[From the New York Times, Sept. 7, 1988]

REAGAN ASSERTS DEMOCRATS WOULD HINDER U.S. DEFENSE

(By Andrew Rosenthal)

LOUISVILLE, Ky., Sept. 6.—President Reagan told the American Legion today that Gov. Michael S. Dukakis and other Democrats would jeopardize national security with a "Disneyland defense policy" that he likened to the programs of President Carter.

"We still hear the voices of the liberal ideology of decline and retreat," Mr. Reagan said, employing an epithet that was used against Mr. Carter.

Mr. Reagan never mentioned Mr. Dukakis by name, nor did he refer directly to Vice President Bush, the Republican Presidential nominee. But his message was clearly political as he lumped Democrats together as "the liberals" and accused them of opposing every weapon system his Administration had worked to build, including some that Mr. Dukakis actually supported, such as the Stealth bomber and a new missile for the Trident submarine.

He questioned democratic devotion to the Western strategic alliance and accused the Democrats of advocating unilateral bans on nuclear testing and on flight testing of missiles, although Mr. Dukakis does not advocate either ban as a unilateral measure.

"After eight hard years rebuilding America's strength," Mr. Reagan said, "do we really want to return to a Disneyland defense policy—with Mickey Mouse treatment of our men and women in uniform; Goofy strategic plans; and Donald Duck-like lectures telling us that whatever goes wrong is our own blankety-blank fault?"

The speech was laced with citations of such American heroes as Gen. George C. Marshall and John K. Kennedy. And it was peppered with negative references to Mr. Carter, seeking to link that favorite Republican target to the current Democratic nominee.

Harking back to the end of the Carter years, Mr. Reagan said, "Again and again

around the world, our predecessors had not shown the slightest grasp of the fundamentals of strategy and national interest."

He said his "final plea" to the American Legion, made at its national convention here, was to "make sure that the nation moves forward in strengthening the foundations of peace and freedom in the years ahead."

SAYS HE KEPT PLEDGE

Mr. Reagan gave a strong defense of his Administration's military policy.

"I pledged that our strategic deterrent would be modernized, and it has," Mr. Reagan said, crediting his costly military buildup with leading the Soviet Union to sign the treaty banning medium-range missiles.

He said that eight years ago, he had "pledged not only to rebuild America's power but to be ready to use it, if necessary."

"From Libya to Grenada," Mr. Reagan said, "we have kept that pledge."

At another point, the President said: "In eight years, we have not given up one square inch of land to communism. In fact, we have taken some ground back for freedom. And yet today relations between the United States and the Soviet Union are the best they've been in decades."

TRYING TO IMPRESS

Zeroing in on the Democrats, Mr. Reagan said, "We are still fighting the same battle we were fighting when I addressed you eight years ago." He said the Democratic Party "hides behind heroic rhetoric."

"But this liberal agenda is no Superman; it's no Clark Kent; it's Jimmy Olson trying to impress his date," Mr. Reagan said. "The liberals like to talk about judgment and strategy, but where is the judgment and strategy in what they've endorsed?"

He attacked "the liberals" for proposing cuts in research into space-based defense against missiles and for opposing the MX missiles and construction of two new aircraft carrier battle groups.

"They profess their devotion to NATO, but would diminish the role of the very nuclear forces that NATO needs to deter the Soviets," Mr. Reagan said. "Does that make any sense as military strategy?"

Mr. BYRD. I yield the floor.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Pennsylvania.

(The remarks of Mr. HEINZ pertaining to the introduction of legislation are in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EXTENSION OF MORNING BUSINESS

Mr. HEINZ. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

Mr. BYRD. Mr. President, will the Senator withhold his request and allow me to make a request?

I believe morning business has expired, has it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I ask unanimous consent that morning business may continue for an additional 10 minutes and that

the Senator from Pennsylvania may have an additional 5 minutes and the Senator from Delaware—how much time?

Mr. ROTH. Could I have 10 minutes?

Mr. BYRD. And that the Senator from Delaware have 10 minutes, and that the period for morning business be extended accordingly.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I thank the majority leader for his help and kindness.

RADON

Mr. HEINZ. Mr. President, many of my colleagues may have seen the lead article in yesterday's New York Times stating that the Government issued a national public health advisory urging that most homes be tested for radon. The Government now recognizes that radon contamination in homes is not just a regional problem, confined to the Reading Prong of Pennsylvania, New Jersey and New York. The EPA survey that led to the health advisory found strong evidence that the threat from cancer-causing radon is much more widespread than originally estimated.

We now understand that when radon gas enters a home and becomes trapped it can reach hazardous levels. And we know that radon poses a substantial threat of lung cancer, second only to cigarette smoking. This new national health advisory will result in many more American homes taking measures, such as the installation of ventilation systems, to mitigate the threat of radon. Such measures can be extremely expensive, running into thousands of dollars, and imposing significant costs on a family budget.

S. 756, the Radon Mitigation Clarification Act, would clarify that a taxpayer can deduct, as medical expenses, necessary home improvements to remove harmful levels of cancer-causing radon gas. The bill would mitigate some of the cost associated with repairing homes, and help families minimize the risk of radon contamination.

With a national health advisory in effect, many more Americans will measure levels of radon in their homes. When harmful levels are found, they will want to take steps to reduce the levels of cancer-causing radon gas. S. 756, the Radon Mitigation Clarification Act provides that costs associated with reducing radon risks be deductible. This is a sensible and timely provision, and when the Finance Committee tax package comes to the floor I will work to include S. 756, and urge that the full Senate agree to provide Americans the means

to respond to what the Government has just recognized as a national health threat.

Mr. President, I ask unanimous consent that a copy of yesterday's New York Times article on radon be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 13, 1988]

MAJOR RADON PERIL IS DECLARED BY U.S. IN
CALL FOR TESTS

By Philip Shabecoff

WASHINGTON, Sept. 12.—Citing new evidence that the threat of cancer-causing radon is more widespread than previously recognized, the Government today issued a national public health advisory urging that most homes be tested for the naturally occurring radioactive gas.

"Radon-induced lung cancer is one of today's most serious public health issues," said Dr. Vernon J. Houk, an Assistant Surgeon General with the Public Health Service.

At a news conference today, Dr. Houk and Lee M. Thomas, Administrator of the Environmental Protection Agency, said that all detached and row homes as well as all apartments from the second floor down should be inspected for radon. If levels exceeded recommended guidelines, they said, remedial action should be taken to lower the amount of radon seeping into homes.

ANNOUNCEMENT FOLLOWS SURVEY

Two years ago, officials warned of rising evidence of the hazards of household radon, saying it might be responsible for 5,000 to 20,000 lung cancer deaths per year. But the extent of the problem was highly uncertain. Today's announcement followed a new survey of seven states that found worrisome levels of radon in an unexpected number of houses.

Today, Dr. Houk said the new data support the conclusion that household radon causes as many as 20,000 lung cancer deaths each year. Scientists believe close to 85 percent of the nation's nearly 140,000 annual lung cancer deaths are caused by smoking.

The two officials said they believed that testing for radon levels should be required whenever a house changes hands, a practice already common in some areas where radon is a recognized threat.

MEASURES NEEDED IN MANY HOMES

However, some scientists feel the method used by the E.P.A. in its surveys overestimates the extent of the problem, and they also question the need for testing virtually every home for radon.

Radon is an invisible, colorless gas formed when uranium in the soil and rocks decays. The gas decays into radioactive particles that can lodge in the lung and cause lung cancer. Outdoors, radon dissipates and is harmless. But inside some buildings, depending on ventilation, air pressure and other factors, it can accumulate, over years or decades of exposure, it can reach concentrations that raise the risk of lung cancer.

The risk is particularly great among smokers, Dr. Houk said, but he emphasized that it also extends to nonsmokers.

The advisory was issued as the E.P.A. reported on the results of a new survey involving 11,000 homes in seven states. It found that nearly one in three homes tested had levels of radon above those considered a health risk. In a similar survey last year of

10 different states, the agency found one in five homes contained the gas at levels above the Federal standard, at which homeowners are urged to consider renovations to prevent the gas from building up. Those include improving ventilation and sealing openings in houses.

The new data indicated that the radon problem spans most parts of the country. It also found that the gas reaches more serious levels, warranting rapid corrective measures, in a surprisingly large number of homes. Extrapolating from this year's testing, the E.P.A. estimated that among the 15 million homes in the seven states surveyed, about 200,000 had levels that exceeded the current health-protection standards for uranium miners.

For people who spend 75 percent of their time in the house, that level poses a cancer risk equal to smoking more than a pack of cigarettes a day, the E.P.A. estimates.

The survey also provided strong new evidence that an area of high radon levels stretches across North Dakota and Minnesota. The area is similar, the agency said, to the Reading Prong, a geologic formation extending across Pennsylvania, New Jersey and New York, where a high risk of radon in many homes built atop it was discovered several years ago.

The environmental agency's officials said that the new survey results reinforced previous estimates that at least eight million homes throughout the United States were contaminated with radon. Those estimates had been challenged as too high by some scientists.

The states in this year's survey were Arizona, Indiana, Massachusetts, Minnesota, Missouri, North Dakota and Pennsylvania. Last year the survey covered Alabama, Colorado, Connecticut, Kansas, Kentucky, Michigan, Rhode Island, Tennessee, Wisconsin and Wyoming.

SURVEY REQUESTED BY STATES

Mr. Thomas of the E.P.A. said that the surveys were done in cooperation with and at the request of the states. He said that more states would be surveyed next year.

Several other states, including New Jersey and New York, have conducted their own household surveys and are not included in the Federal study. New Jersey, according to the environmental agency, measured 6,000 houses in areas known to have high risk of radon and found more than half to exceed the agency's standard. New York, in a survey of 2,400 houses, found 5 percent above the standard. The New York survey involved longer-term testing, which yields lower average contamination levels than shorter term studies involving only a single measurement, as the Federal study did.

Dr. Houk said that radon is the second leading cause of lung cancer after smoking but that the risks from radon were about 15 times higher among smokers than nonsmokers. Tobacco smoke, he said, makes the lungs more susceptible to radon and also attracts radon particles, which are inhaled. "Do not allow smoking in any house that has detectable levels of radon," he advised.

Of nearly 140,000 Americans who die each year from lung cancer, Dr. Houk estimated, about 5,000 were nonsmokers whose cancer could be attributed to radon and 15,000 were smokers who were exposed to radon.

The PRESIDING OFFICER. The Senator from Delaware.

(The remarks of Mr. ROTH pertaining to the introduction of legislation are in today's RECORD under "State-

ments on Introduced Bills and Joint Resolutions.")

SENATOR BIBLE PASSES AWAY

Mr. BYRD. Mr. President, with great sadness I have learned that former Senator Alan Bible passed away at 6 p.m., Monday, September 12.

He was truly a good Senator. There was very little, if any "show" to him. Instead, it was work, and it was accomplishments. He served 20 years in the U.S. Senate, from 1954 to 1974. During that time, he served on the Senate Interior and Insular Affairs Committee. As chairman of its Subcommittee on Parks and Recreation, he provided leadership in authorizing the building of more than 60 parks and monuments.

He also served on the Minerals, Materials, and Fuels Subcommittee of that committee, where he promoted what he considered the proper development of our natural resources of gold and silver.

As a member of the Appropriations Subcommittee on Transportation, he helped to develop important Federal highway construction programs.

He served as chairman of the Senate District of Columbia Committee during a crucial stage in the history of this great city. In that position, he introduced 15 separate anticrime bills. But, most important, he took part in developing much of Washington, DC, as we know it today. This includes helping to plan the beltway, the modernization of Pennsylvania Avenue, RFK Stadium, and Dulles Airport.

Mr. President, Senator Bible was a conservative who believed in the great abilities of the Government to build and to create with proper vision and direction. While he was fiscally frugal, he supported the use of Government to improve education.

He also was active in defense and foreign policy, from fighting domestic subversion to supporting international agreements to stop the spread of nuclear proliferation.

No person—age, color or creed—was not deserving of his attention and legislative assistance. He fully supported legislation to help America's senior citizens. He was an advocate of improving the quality of life of the American Indian long before it became popular to take such stands. And then there was what he considered the "little guy"—the small taxpayer. He fought for tax reform early and sponsored taxpayer assistance legislation as chairman of the Select Committee on Small Business.

He retired from the Senate in 1974 because of ill health. Afterward, he taught political science at the University of Nevada until his declining health forced him to give that up.

One of the first jobs of Alan Bible—a man who did so much for his Government and accomplished so much for his Nation—was as an elevator operator in this very building, a job he took to help pay his way through Georgetown Law School.

Upon his retirement from the U.S. Senate, this Chamber and the people of his beloved State of Nevada lost a good Senator. Now, the United States has lost a good man. We will miss him.

Erma and I express our condolences to his wife, Loucile, and his children.

SENATOR ALAN BIBLE

Mr. STENNIS. Mr. President, I wish to say a special word in tribute to our late friend and colleague in the Senate who passed away and was one of our most valuable Members, Senator Alan Bible of Nevada. I had many years association with him.

Mr. President, Senator Bible was one of the most valuable Members we had here, in my opinion. He was a good lawyer, with fine knowledge and balance about him with reference to opinions. He was a willing worker. He was a man of sound judgment, I thought, so much so that when I heard he was planning to retire I went to him and tried to advise him about staying on. He told me that he had medical advice to the effect that he would have to retire.

I have had the benefit of his advice and counsel. I called him up on the telephone from then until even recently. I salute him and his family. I extend to the family my great regrets and every word of condolence.

Mr. MOYNIHAN. Mr. President, I know that my colleagues would wish to join me in joining our revered President pro tempore in expressing our great respect for our former colleague, Senator Bible. I knew him when I was in the executive branch. He was exactly the man the Senator from Mississippi described.

I express our condolences to his family and say the Senate was enlarged by his life here.

IRAQ'S REPEATED USE OF CHEMICAL WEAPONS

Mr. MITCHELL. Mr. President, I am saddened to once again rise on the Senate floor to condemn Iraq's use of chemical weapons. Iraq has continued to flagrantly violate international law and basic humanitarian principles by using chemical weapons.

It is testimony to the lack of international concern and action that Iraq has dared to repeatedly employ these weapons—weapons that the international community, including Iraq, banned over 50 years.

The 1925 Geneva protocol reflected the world's belief that the effects of chemical agents are so inhumane that

they must not be used even in war. Yet, Iraq has insisted on using these weapons both in its war against Iran and more recently in its campaign to eliminate an entire ethnic group of Iraqi citizens.

These actions constitute a callous and cruel assault on the principles of law and respect for human rights that have been painstakingly codified over many years. Iraq's actions cannot be rationalized, cannot be defended, cannot be dismissed. They must not go uncensured.

The international community must protect the principles on which it has been painstakingly trying to build a more gentle and just world. Iraq's actions threaten to gravely harm the progress slowly won during the past century.

On June 24, the Senate unequivocally stated its view of Iraqi violations of international law. In passing Senate Resolution 408, which I offered, this body unanimously condemned Iraq's use of chemical weapons and urged the administration to apply diplomatic pressure to prevent their future use.

The resolution was enacted after the world witnessed the graphic evidence of Iraq's use of mustard and nerve gas against Kurdish civilians in the Iranian-occupied town of Halabja.

Yet, the March attacks, in which thousands were killed, were part of a larger pattern that had long been ignored. The United Nations has concluded in 1984, 1986, and again in 1987 that Iraq had used chemical weapons against Iran.

The international community did nothing.

The aftermath of the attack on Halabja, documented by camera, made it impossible to ignore Iraq's atrocities. The undeniable evidence challenged the community of nations to act.

It is tragic that the Senate's outrage was not more widely shared, tragic that the opportunity to exert effective international pressure was squandered. While responsibility for the slaughter of innocent civilians lies with Iraq and Iraq alone, the international community failed to act forcefully to dissuade Iraq from further chemical attacks.

The world overlooked Iraq's actions and instead focused its hopes on an end to the Iran-Iraq War. In a cruel irony, the gulf cease-fire offered Iraq an opportunity to turn its chemical arsenal against its own citizens. In what appears to be a campaign of genocide against its 3 million Iraqi Kurds, government forces have reportedly killed thousands of Kurdish people and forced some 50,000 to 100,000 to flee the country.

Where is the international outrage? Where is the will to act against such slaughter?

The Senate has again moved quickly to condemn Iraq and propose a United

States response to the repeated violations of international law. S. 2763, introduced by the distinguished chairman of the Senate Foreign Relations Committee, Mr. PELL, would implement tough economic sanctions against Iraq.

It would end all credit and credit guarantees to Iraq, require the United States to vote against loans to Iraq by international financial institutions and prohibit imports of Iraqi oil. The sanctions would be lifted only if Iraq halts the use of chemical weapons and ends its campaign against the Kurds.

The legislation also requests the administration to bring the issue of Iraqi chemical weapon use before the U.N. Security Council and demand that appropriate and effective measures be taken against Iraq.

I confess my disappointment in the administration's failure to take stronger action against Iraq before thousands of civilians were deliberately killed. The United States had learned of Iraq's violations of the Geneva protocol during the years in which the United States-Iraqi ties grew stronger. Our tilt toward Iraq in the gulf war, symbolized by the conveying of ships belonging to Iraq's allies, should have bought us some leverage, some authority with which to dissuade the Iraqis from employing chemical arms.

Thankfully, President Reagan condemned the attack on Halabja as a "particularly grave violation of international law." Secretary Shultz called the more recent poison gas attacks "unjustifiable and abhorrent," and told Iraq that continued attacks would affect United States-Iraqi relations.

It is time to translate these words into deeds.

It is time to marshal international support for the censure of Iraq.

It is time for nations to restore the legal and moral prohibition against the use of chemical weapons.

I support the administration's effort to prompt the Government of Iraq to declare a policy of opposition to the use of chemical weapons.

But such a statement will not suffice. First of all, it would not be believed. Iraq had long denied using chemical weapons against Iranian forces. The Iraqi Government continues to deny using chemical weapons against the Kurds, despite the statements and physical testimony provided by fleeing refugees and despite the evidence that convinced our State Department that such use had in fact occurred.

Moreover, such a policy statement would not constitute a penalty for killing thousands of civilians with weapons long banned by international agreement.

The Senate has correctly called for the United States to bring this issue before the U.N. Security Council and

demand that effective measures be taken against Iraq. An issue of grave international concern like this one should be boldly addressed in this forum of nations.

At the very least, the crime must be named and Iraq held responsible.

The ominous silence cannot continue.

We must not turn our heads as a government attempts to eliminate an entire segment of its own citizenry.

We must not passively allow the Geneva protocol to also all force and meaning.

We must not squander this opportunity to push for stronger international prohibitions against chemical weapons.

Clearly, the Geneva protocol is flawed. It lacks enforcement mechanisms. It bans only the use of chemical weapons. There is an urgent need to go further—to ban the production, transfer, and stockpiling of these weapons—if we are to effectively prevent their use.

Cheap and easy to manufacture while posing a horrific military threat, chemical arms are the poor man's nuclear bomb. Chemical production technology continues to proliferate, eased across borders by Western commercial chemical exports. As nations rapidly acquire chemical weapons, the risk of their use in the next conflict increases.

The Senate has already expressed its unanimous support for American efforts to achieve an agreement banning the use, production, development, stockpiling, transfer, and acquisition of chemical weapons.

The time to push forward in chemical negotiations is now.

Sadly, the Reagan administration has not demonstrated a seriousness about pursuing a chemical weapons ban, even though chemical weapons pose an increasing threat to the people and environment of this planet.

The need for leadership on this issue is clear.

The next administration must make a strong commitment to pursuing a comprehensive chemical weapons ban. No one pretends that it will be easy. But given political will and good faith negotiating, a chemical weapons treaty is well within reach.

The next administration should set itself a clear goal: attain a chemical weapons agreement within the next few years.

The next administration should make American policy consistent with that goal and discontinue the production of binary chemical weapons on our own soil.

If nothing else, Iraq's egregious use of chemical weapons, including its use against its own citizens, should convince the world of the need to successfully conclude the Geneva negotiations to prohibit the production and stockpiling of chemical weapons.

We must learn from our own human failures. We can act to prevent future deaths by poison gas.

I urge the nations of the world to join together to condemn and punish any country that violates the Geneva protocol banning the use of chemical weapons.

I sincerely hope that this President, the next President, and all national leaders will bring urgency and purpose to the ongoing chemical weapons negotiations. The need for immediate action has never been so clearly and tragically demonstrated as in the graphic deaths of innocent civilians poisoned by their own government.

IN HONOR OF A SENATE LEADER

Mr. COHEN. Mr. President, when our distinguished colleague, the senior Senator from West Virginia, steps down as Democratic leader at the end of this Congress, we will be losing a man who has served in Congress for 36 years and who for 12 years has helped steer the Senate through often turbulent waters. ROBERT BYRD has won the admiration and respect of his colleagues on both sides of the aisle for his abilities as a leader, talent as a parliamentarian and skills as a representative of the people of his home State.

The Senator from West Virginia has risen from a humble background as a coal miner's son to national prominence as a legislator and statesman. Through determination, hard work and perseverance—epitomized in his successful nighttime pursuit of a law degree during his first Senate term—ROBERT BYRD has built one of the most successful careers in West Virginia and American politics. The high regard his constituents hold for him is indicated by the fact that he has served longer in his body than has anyone in the history of his State.

Senator BYRD's reverence for the institution of the Senate is well known. His passion for exploring the history of this body and his commitment to preserving its most important traditions reflect a respect for the Senate that has been an inspiration to all of us. I applaud the tireless dedication to guarding the Senate's vital role in American Government that has marked our colleague's stewardship as Democratic leader.

An undisputed master of Senate rules, ROBERT BYRD has skillfully shepherded a long and impressive list of key legislation through this body. He has served faithfully on the Appropriations, Judiciary and Rules Committees. His career in Congress has been marked by successes in almost every area of policy.

Guiding an assembly of 100 individuals who represent diverse interests and concerns is not an easy task. It demands a unique capacity for concilia-

tion, compromise and coalition-building. The retiring Democratic leader has managed to meet these demands while doing his best to keep the Senate above the political fray.

I have enjoyed working with ROBERT BYRD since coming to the Senate in 1979. The dedication and diligence that he has displayed during that period have been clear and consistent. I would like to take this opportunity to congratulate the Democratic leader on his many accomplishments and to wish him the best of luck in the future.

CONSTRUING THE NEW FAIR HOUSING ACT

Mr. KENNEDY. Mr. President, yesterday was a special occasion in the history of civil rights in America, as President Reagan signed the Fair Housing Amendments Act of 1988 before a bipartisan group of Senators, Representatives and civil rights leaders at the White House. The signing caps a 25-year effort in Congress to strengthen and expand the scope of our fair housing laws.

Unfortunately, President Reagan used that historic occasion to announce an interpretation of the act that this flatly inconsistent with Congress's understanding of the law. The President suggested that the act should be read as requiring proof of discriminatory intent in order to establish a violation of the fair housing law.

The issue is part of the old bone of contention between Congress and the administration over the so-called intent versus effects test. But the President added a new twist—his attempt to tilt the meaning of the law by declaring his view of what he was signing.

As the principal Senate sponsor of the 1988 act, I can state unequivocally that Congress contemplated no such intent requirement. The act did not materially alter the 1968 Fair Housing Act provisions defining what is required to prove a discriminatory housing practice. All of the Federal courts of appeals that have considered the question have concluded that title VIII should be construed, at least in some instances, to prohibit acts that have discriminatory effects, and that there is no need to prove discriminatory intent.

As University of Kentucky law professor, Robert Schwemm, the author of a leading treatise on the 1968 law, testified before the Senate Constitution Subcommittee on April 9, 1987, 9 of the 12 Federal courts of appeals have addressed the issue, and all 9 have ruled that a showing of a discriminatory effect may be used to establish a violation. Professor Schwemm's testimony contains a de-

tailed analysis of the issue and the court decisions. In enacting the Fair Housing Amendments Act, Congress accepted this consistent judicial interpretation.

It is also well-established that under our constitutional system of separation of powers, Congress has the sole responsibility to enact legislation, and the President may not use a signing statement to attempt to rewrite the law in a manner contrary to the congressional intent.

Just last week, I had the opportunity to discuss this subject with Douglas Kmiec, the Acting Assistant Attorney General in charge of the Office of Legal Counsel in the Department of Justice. At his confirmation hearing, on September 8, 1988, Mr. Kmiec agreed with my view. As he testified:

To the extent that a signing statement would be used to thwart the express terms of [a] statute or was not giving due consideration to the legislative history that gave rise to the words of the statute, it would not be a proper use of that statement.

I then indicated my own view, that

[W]hen the Congress passes a law, it intends it to mean what it says. And the President obviously, if he has a differing view, has the opportunity to veto it and send it back for reconsideration. But if he does not, the congressional interpretation would be the guiding force in terms of interpretation.

Mr. Kmiec responded, "I do not disagree, Senator."

When President Reagan signed the Fair Housing Amendments Act yesterday, he tried to tilt the law toward the "intent" test, contrary to the will of Congress. Courts and others interpreting the act should not give weight to the President's attempt to obtain a signing statement what he could not achieve in the legislation itself.

CONCERNING GOVERNOR DUKAKIS' SPEECH: "A STRONG AND SECURE AMERICA"

Mr. NUNN. Mr. President, this morning Governor Dukakis gave an important speech at Georgetown University on the subject of U.S. national security policy.

This speech, entitled "A Strong and Secure America," was a very solid, tough, and sober statement of Governor Dukakis' views on national defense. The range of issues discussed in the speech is impressive and comprehensive. The speech clearly demonstrates Governor Dukakis' commitment to a strong national defense for America.

Governor Dukakis knows what it will take to keep our Nation secure. In the speech, he stated his clear and unequivocal support for key new strategic modernization programs—the Stealth bomber, the Trident II D-5 missile, and the advanced cruise missile. He also made a welcome commitment to work with Congress to find a sensible, affordable way to maintain

the effectiveness of the land-based missile leg of our strategic triad.

On the subject of strategic defense, Governor Dukakis stated his intention to abide by the ABM Treaty, and to insist that the Soviet Union dismantle the Krasnoyarsk radar. He also indicated his support for continued research in the area of strategic defenses to hedge against a Soviet breakout in this area and to allow us to make an informed judgment as to what strategic defense technology can and can't do.

Governor Dukakis underscored the importance of maintaining America's technological superiority in national defense. He cited antisubmarine warfare and the capability to destroy Soviet tanks as two critical areas where we need to direct our best and most innovative technological efforts. He went on to endorse the SSN-21, the Navy's new attack submarine, and the Air Force's new advanced tactical fighter.

One of the things that impressed me most about the speech, Mr. President, was Governor Dukakis' approach to Defense management. We have some serious management problems in the Pentagon today—in the number of programs relative to the size of the Defense budget, for example, and in the way we develop and buy new weapons. Governor Dukakis' speech indicates to me that the Governor understands these problems and is willing to make the long overdue, tough decisions to address them.

Mr. President, I ask unanimous consent that the full text of Governor Dukakis' speech be inserted in the RECORD. I urge my colleagues to review this speech.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

MICHAEL S. DUKAKIS: A STRONG AND SECURE AMERICA, GEORGETOWN UNIVERSITY, WASHINGTON, DC

I'm running for President to restore respect for American leadership in a changing world.

The kind of respect that Franklin Roosevelt earned when he championed the Four Freedoms and crushed Hitler's armies during World War II.

The kind of respect that John Kennedy earned when he forced the withdrawal of Soviet missiles from Cuba and signed the world's first nuclear test ban agreement.

The kind of respect that America received when it served first as the arsenal and then as the breadbasket for the free world; when American goods reflected the world's highest quality and finest technology; when America put a man on the moon and a Peace Corps in the developing world; when people from around the globe looked to us for leadership and for hope.

I'm running for President because I want to see our country get that kind of respect from our allies, our trading partners, our friends and our adversaries.

But to build and maintain the respect we need, we must meet not just one, not just some, but every challenge to our national

security; the new challenges of tough economic competition and of terrorism and of drugs that I talked about Monday; the challenge posed by the new leaders of the Soviet Union that I discussed yesterday; and the challenge of keeping America militarily strong, which is my subject today.

And military strength begins with the men and women of our armed forces. Our national defense depends on their skills and courage and commitment.

During the 1950's, I spent 16 months as a GI in the small Korean village of Munsan-Ni—not far from the demilitarized zone.

I, and those I served with, didn't ask for much in the way of material comforts. We had an obligation to serve, and we were proud to meet that obligation. All we wanted—and all we expected—was to be well-trained, to have weapons that worked, a mission that we understood, and to know that we were being remembered and supported in the thoughts and prayers of those back home.

That's not a lot to ask for, but for those on the frontline, it makes all the difference in the world.

And that's a lesson I will never forget.

It's a lesson that's especially important in this election year; for the job of defending freedom is not a Republican job. It is not a Democratic job. It's a responsibility we all have as Americans.

George Bush forgot that lesson last month when he persuaded the President to veto the defense bill—over the objections of the Secretary of Defense and the National Security Advisor. Mr. Bush's pollster apparently had more influence than they did.

That bill would have strengthened our military forces, provided needed pay increases to our military personnel, and given our armed forces a real role in the war against drugs.

My friends, we can't play politics with our national security.

We've got to have real leadership. Leadership that will put America's interests first. As President, I'm not going to make decisions that affect the well-being of our servicemen and women on the basis of what some poll tells me; and I'm not going to be looking for guidance on national security issues from J. Danforth Quayle.

Because we need a President who knows how to make tough decisions. A president who will call the shots. Assemble a team. Work with Congress. Replace officials who need to be replaced. And take the heat when things go wrong.

That's what governing is all about. And that's what a Dukakis Administration will be all about.

We're not going to have a laundry list of weapons systems; we're going to have a strategy for keeping America militarily strong.

We'll use force when it's necessary to protect our territory, our citizens or our vital interests; to meet our treaty commitments; and to deter or to respond to terrorist attacks.

We're going to put our defense dollars where our defense needs are greatest; we're going to buy weapons that work; we're going to make certain that the men and women of our armed forces have the equipment, the training and the support they need to defend our country; and we're going to clean up the mess in the Pentagon.

Above all, we're going to keep America strong, because as John Kennedy said 28 years ago, "only when our arms are sufficient beyond doubt can we be certain with-

out doubt that they will never be employed."

Since the development of modern missile technology almost 30 years ago, the defense of our country has depended on strong and survivable nuclear forces. Preventing a nuclear war is—and will remain—the centerpiece of our national security strategy.

We must have—and in a Dukakis Administration we will have—strategic forces that are strong and modern and versatile. Strategic forces that will convince any potential adversary that they have nothing to gain and everything to lose by attacking the United States or our allies and friends. And we must do whatever is necessary through modernization, and, if possible, through arms control, to ensure an effective, credible deterrent.

What does that mean? It means I support, and I intend to go forward as planned with the Trident II sea-based missile to offset the Soviet Union's highly accurate missiles, and with the Stealth bomber and the advanced cruise missile to counter improvements in Soviet air defense.

We've had a lot of nonsense from Mr. Bush on the subject of national defense in recent weeks. The fact is that the Trident II program began during the last Democratic Administration; and so did the Stealth. The fact is that the B-1 bomber cost \$27 billion, and there is now a serious question as to whether it can do the most important job it was designed to do. The fact is that the Republicans promised in 1980 to make our land-based missiles invulnerable and today, after another \$25 billion and 8 years of Republican mismanagement, our ICBMs are more vulnerable than they were in 1980.

It's time for an end to Republican smoke and mirrors. The MX, with its Pearl Harbor style basing mode, isn't the answer. In those rail barns, it's a sitting duck.

The strategic concept of the Midgetman is sound, but I question the value of spending 40 or 50 billion dollars for 500 additional land-based missile warheads—at three times the cost of the same number of new submarine-based warheads. So I'm going to work with the Congress to find a sensible, affordable way to maintain the effectiveness of the land-based missile leg of the triad.

But just as we must modernize to maintain an effective deterrent, so we must negotiate to improve the effectiveness of the deterrent we have. And we negotiate, not for the sake of negotiating, but because it is in the interest of our national security to do so. We negotiate to limit the ability of the Soviet Union to continue building new and more dangerous weapons, the ability to keep multiplying its arsenal of nuclear warheads, the ability to steadily increase the cost and the danger of the race for nuclear weapons.

The INF agreement was a good beginning, but it was only a beginning. Unlike Ronald Reagan, George Bush doesn't seem to understand that. He wants to put START negotiations on the back burner. I say we should build on the progress that Mr. Reagan and Mr. Gorbachev have made. I say it is in our interest to forge an agreement—a mutual and balanced and verifiable agreement—that will make deep cuts in Soviet Strategic arms.

Even then, we must do more; because during the past eight years, the Soviets have deployed more than 3,000 new strategic warheads. Even if START is signed and ratified, the Soviets will have as many or more nuclear warheads targeted on the United States as they did the day the Republicans took office.

As President, I will challenge the Soviet Union to move beyond the limits of START to stop the development of new and more dangerous weapons that threaten world stability and our security; to stop developing fast new submarine missiles that can attack our bombers before they get off the ground; to eliminate all of their SS-18s, the most dangerous and deadly missile on the earth today. And I will challenge the Soviet Union—as has every American President since Dwight Eisenhower, except one—to stop the testing of nuclear weapons.

And what about Star Wars? My friends, if we're going to keep America strong: if we're going to increase, rather than undermine, the stability of the nuclear balance; if we're going to make our defense dollars count, we've got to stop pouring billions and billions into this program and do some hard thinking about what we're trying to achieve.

There are those who would like to rip up the ABM Treaty; to extend the arms race into space; to undermine the effectiveness of the deterrent we have by pursuing a fantastically complicated scheme whose purpose seems to change every few months, and whose feasibility has been questioned by virtually the entire scientific community.

I have a different view. I will protect American security, not by scrapping the ABM Treaty, but by insisting that the Soviets live up to it, and that they dismantle the Krasnoyarsk radar. And I will request the funds to maintain a program of anti-ballistic missile research. Such a program will allow us to respond if the Soviets violate their obligations under the ABM Treaty, and it will allow us to make an informed judgment as to what the technology can and cannot do.

And what about George Bush on the subject of Star Wars? Well one of the reasons Mr. Bush is so reluctant to debate me is that he's so busy debating himself. One day he wants to speed up SDI. The next day he does not. But even he admits that if we continue to spend billions on it, we will have to cut somewhere else.

He won't tell you where those cuts will come. But the fact is that they're already cutting back on people; they're already cutting back on tanks; they're already cutting back on helicopters; they're already cutting back on ships.

My friends, we pay a price not just in numbers, but in security, when we do what Mr. Bush wants us to do; to continue buying without planning; to continue writing blank checks to the Pentagon without setting priorities or making tough choices; to continue business as usual, instead of managing the Pentagon to get a dollar's worth of security for every defense dollar spent.

Today, only 55% of our Army Reserves are combat ready. Our backlog of essential maintenance in the Army and Air Force is greater now than it was when this Administration took office. If we went to war tomorrow, we would have a shortage of 7,000 doctors and 31,000 nurses in the military. Maybe the Republicans aren't worried about that; maybe the work that military medics do isn't very glamorous, but to the GI and the sailor and the aviator and the Marine, nothing could be more important.

In Central Europe, the most serious danger we face today is the two to one Warsaw Pact advantage in modern tanks. Yet the Republicans have already cut our tank production and want to slash it almost in half again next year. And after nearly 8 years in office, they have still failed to deploy an infantry anti-tank missile that can take out modern Soviet tanks. A recent

government report estimated that up to 85% of the infantry soldiers using today's anti-tank weapons to stop a Soviet tank attack in Europe would be dead after firing a single round! And that round would bounce off the Soviet tank.

Lloyd Bentsen and I are going to keep tank production up and we're going to invest in the new technologies we'll need to stop Soviet tanks.

Today, NATO's defense absolutely depends on air power—on the technological edge we get from advanced fighters like the F-15 and F-16. But the Soviets aren't standing still. They're copying our technology, even stealing it—and trying to catch up. And what is the Administration doing? They've cut back so much on maintenance that a senior Air Force official said recently that at the end of this year, "We are going to see airplanes without engines." And our very best pilots—the "top guns" of tomorrow—are leaving the military in record numbers. Mr. Bush convinced the President to veto the bill that had new bonuses for our pilots aimed at keeping them in. My friends, what kind of judgment is that?

We can do better than that. In my Administration, we're going to build on our technological lead with the Advanced Tactical Fighter to stay one jump ahead in the air battle. On time. On budget. And we're going to be sure that we have the money so that that fighter has engines, too. And pilots.

Today, the greatest threat to our naval fleet is from Soviet submarines. We need to invest in the best possible anti-submarine warfare capability in order to diminish that threat. But the Administration has let our lead slip, while Soviet submarines are becoming quieter and more deadly with each passing year.

My friends we can do better than that. As President, I'll challenge our scientists and engineers to recapture our commanding position in anti-submarine warfare, on which NATO's strategy depends. And we'll build the SSN-21 *Sea Wolf*, our first new attack submarine in 15 years, as quickly as possible. We may not match Soviet numbers, but we must have superior technology.

Finally, if we're going to meet our treaty commitments; if we're going to meet our responsibilities around the world; if we're going to maintain America's status as the number one maritime power on the face of the globe; we've got to have a fully capable carrier fleet. And that means having enough planes to operate off those carriers; it means having modern munitions and well-trained sailors and aviators who have the opportunity to fly in time of peace and the aircraft their lives, and our freedom, will depend on in time of war.

Today, as Senator Nunn has pointed out, the "navy lacks the combat aircraft to fill its carrier decks in wartime because we built more carriers than we have aircraft to go with them." One-third of our heavy A-6 bombers are grounded or restricted because we don't have the money to fix the cracks in their wings. And this year, we decommissioned 16 frigates because we couldn't afford to operate them.

We've got to have leadership in the Pentagon that will take charge of our defense policy. And we've got to have a President who will keep faith with the men and women we ask to defend freedom and liberty around the world.

We have to keep faith with them because recruiting and retaining skilled people is the single most important element of any strategy for maintaining a strong defense.

We have to keep faith with our service personnel by giving them fair pay, decent benefits, and good health care for themselves and for their families. And today, military pay is further behind comparable civilian wages than it was when this Administration took office.

Finally, we have to keep faith with the men and women of our armed forces by making sure that every dollar we spend for defense goes for defense; not for weapons that can't do the job they were designed to do and not to line the pockets of some dishonest contractor or wheeler-dealer around the beltway in Washington.

Defense fraud isn't just another crime. When somebody cuts corners on quality, that's not petty theft, that's grand larceny. When somebody skims off profits for himself that should be going to strengthen our national defense, that's intolerable. When we have eight years of mismanagement, eight years of everything from \$400 hammers to a \$4 billion dollar DIVAD defense system that couldn't hit the broad side of a barn, it's not time for another study or commission, it's time for a new Commander in Chief.

George Bush and his running mate have opposed every single effort aimed at Pentagon reform. They opposed the creation of an independent Inspector General to investigate defense fraud. They opposed establishing an organization in the Pentagon to test weapons before we buy them. They opposed putting restrictions on the revolving door between the Pentagon and defense industry. And they opposed giving our field commanders more authority over what types of weapons we buy.

In fact, their idea of a triad seems to be waste, duplication and fraud.

Now, there are those who say that we can't change the way we buy our military weapons and supplies. The problem's too big they say. It's out of control. We don't know how to do it right.

Well, I don't buy that at all.

We have thousands of dedicated and professional people in the Pentagon, in our armed services, and in the private sector. They are looking for leadership that is competent; leadership that understands the problems our servicemen and women have to face every day and every week; leadership that cares about getting the weapons we need; when we need them; at a price we can afford.

In a Dukakis Administration, we're not going to ignore the recommendations made by the Packard Commission; we're going to implement them. We're going to increase competition. We're going to insist on warranties and independent testing wherever possible.

We're going to select experienced people to manage our military programs. And we're going to give them the authority they need, reward them when things go well, and hold them accountable when they do not.

You know, there was nothing heroic about the job my country asked me to do more than thirty years ago in South Korea. My memories are not of combat missions, but of guard duty, cold nights, army food—and it was pretty good!—and it was pretty good!—friendships made, officers saluted, and thoughts of my family back home.

But I also remember the pride I felt to be an American soldier on duty for America in a land in which the hunger for democracy was beginning to grow, and in which the strength of America had been felt on freedom's behalf.

My friends, that pride has only grown stronger with the passage of time.

And I'm running for President because I want to lead an America that leads the world; an America that does not settle for second-place or second-best.

An America that loves peace, but knows the cost of freedom.

An America that has not wavered from the pledge that another son of Massachusetts made 28 years ago, a pledge to "pay any price, bear any burden, meet any hardship, support any friend, (and) oppose any foe to assure the survival and the success of liberty."

My friends, today, 200 years after the election of our first President; let us dedicate ourselves anew to the dream of those who founded our country; firm in our purpose; true to our principles; confident that the best America is not behind us; the best America is yet to come.

GULFSTREAM AEROSPACE CORP.

Mr. NUNN. Mr. President, I want to take a few moments to bring to the attention of my colleagues two recent accomplishments of an outstanding Georgia manufacturing company—the Gulfstream Aerospace Corp.

Twice in the last 14 months, Gulfstream Aerospace and its energetic and dynamic chief executive officer, Mr. Allen Paulson, have made aviation history by setting world circumnavigation records in the company's Gulfstream IV jet.

Gulfstream Aerospace is a true example of the free enterprise system at work. In 1978 the company was acquired by Mr. Paulson, who is still serving his company as chairman and CEO, and in one brief decade it has become one of the world's premier business jet aircraft manufacturers.

Gulfstream Aerospace has grown from a facility on Savannah's International Airport employing less than 2,000 people to a manufacturing system employing over 5,000 persons in the States of Georgia, Oklahoma, and California. The company draws on suppliers in 26 other States, and its aircraft are powered by Rolls Royce TAY engines manufactured in the United Kingdom.

The company's latest version of its Gulfstream jet, the 16 to 19 passenger Gulfstream IV, has, since its certification by the Federal Aviation Administration in April 1987, made aerospace history.

Surrounded by military, business, and commercial aircraft of some 50 nations, the Gulfstream IV departed on June 12, 1987, from the 37th Salon International de Paris. It was enroute to a world speed record circumnavigating the Earth on a continuous flight westbound against prevailing winds.

The new aircraft, less than 100 hours off the Savannah production lines, was flown by the company's CEO. On this record setting flight, the Gulfstream IV set a speed record of 503.91 mph, which included four refueling stops, during its 22,886.45 mile journey. Facing headwinds occasionally in excess of 130 mph, the flight returned to the Paris Salon—landing on the runway used by Charles Lindbergh 60 years earlier—after 45 hours, 25 minutes and 20 seconds of elapsed time. This flight set two around the world speed records—one in the unlimited weight category, another in the 55,000 to 77,000 pound weight class. It also created 22 enroute city-to-city records.

The other four crew members of the Gulfstream were all from Georgia. There were three cocaptains: Mr. Jefferson Bailey, Mr. John Salamankas, and Mr. K.C. Edgecomb. Mr. C.B. Allen was the aircraft crew chief. The flight records were certified by an on-board observer from the National Aeronautic Association, Mr. Everett Longworthy, the association's executive vice president. The records have since been certified by the Federation Aeronautique Internationale in Paris.

As a result of this historic westbound flight and his lifetime of dedication to aviation, Mr. Paulson was awarded the prestigious Wright Brothers Memorial Trophy on December 11, 1987.

Then in January of this year a four-engine Boeing 747-SP, an aircraft many times the size and weight of a Gulfstream IV, was flown on an impressive two stop flight around the world, eastbound, eclipsing a record set by a Gulfstream III, 4 years earlier. The principals of that 747 flight challenged any other aircraft of this generation to beat their speed around the world, a challenge quickly accepted by the makers of the Georgia-built Gulfstream IV. Launched from Houston, TX, on February 26, 1988, a Gulfstream IV with "Pursuit of Perfection" emblazoned on its sides began its race with the clock and the larger 747.

Exactly 50 years earlier, Howard Hughes' flight around the world required 3 days and 19 hours. The Gulfstream, again captained by Mr. Paulson, set a new speed record of 637.71 mph. This aerospace achievement covered 23,047.476 miles requiring four refueling stops with a total elapsed time of only 36 hours, 08 minutes and 34 seconds.

The 747 record was broken by the smaller business aircraft by 45 minutes, 41 seconds. Nine city-to-city speed records were also set including one from the island of Maui in the State of Hawaii to Houston, TX, at a speed 693.96 mph—3,784 miles in 6 hours 16 minutes, or nearly 700 miles per hour.

The Georgian crew of cocaptains for this flight consisted of Mr. Bob Smyth, Mr. John Salamankas, and Mr. Jefferson Bailey. Again, the sanctioned flight was observed and moni-

tored by Mr. Everett Longworthy of the National Aeronautics Association.

Mr. President, I want to congratulate Mr. Paulson and all of the employees of Gulfstream Aerospace—not just for these two recordbreaking flights but also for the high standard of excellence which Gulfstream has come to represent in the aircraft manufacturing industry.

DEFICITS, DEBT AND DEPENDENCE

Mr. BYRD. Mr. President, today we got better news, but still disturbing news, on the trade front. The \$9.5 billion trade deficit for July was \$3 billion lower than the \$12.5 billion figure for June. Exports were up and imports were down almost across the board. Better than last month, Mr. President. But even if we maintain the July pace for the rest of the year, we will have a trade deficit approaching \$130 billion. It is a little like finding that your town is still going to be hit by Hurricane Gilbert but that the winds have dropped to only 150 miles an hour.

Furthermore, Mr. President, yesterday, the Commerce Department released the current account figures for the second 3 months of 1988. The Nation is \$33 billion further in debt than it was just 3 months ago; \$70 billion further in debt than it was at the beginning of the year. At this rate, by year end we will have an external debt in excess of one-half a trillion dollars. Just 5 years ago, America had a surplus.

The new figures show that we are still going into hock only a little more slowly than we did 3 months ago.

Trade deficits and external debts are bad enough, Mr. President. But this month's statistics contained even more troubling news. For the first time since 1958, we had a deficit in the services account. For the most part, the service deficit reflects the mounting payments to foreign investors. From now on, Mr. President, we will be borrowing to pay for our trade deficit and borrowing to pay the interest on what we borrowed before. Any company that begins to borrow to pay interest on previous borrowing is on a slippery financial slope. It needs a change in direction.

Mr. President, America has not been without her accomplishments over the past 8 years. But when it comes to foreign economic policy, I am saddened by the past and worried about the future. Year after year, our trade policy amounted to little more than nostalgia for the past and a few nostrums for the future. Our country sallied forth like an aging Don Quixote ready to do battle with yesterday's windmills.

Where hard-nosed trade negotiators complained of monopolies and warned about mercantilists, the President

talked confidently of the magic of the marketplace.

What we have had, Mr. President, is a policy of trade deficits, foreign debt, and growing industrial dependence.

The need for change is becoming increasingly evident. For example, the Department of Defense recently issued a report that is critical of the administration's own trade policies. Instead of playing the passive patsy, the Pentagon is calling for a hard look at the longer term competitiveness of America's manufacturing base. Instead of making short-term judgments about buying parts and components, the Pentagon report notes that dependence on foreign technologies is inherently risky.

There is not a single Member of the Senate who does not appreciate the virtues of economic competition. It can act as a spur to innovation, lower costs for the consumer, and contribute to overall economic growth. But with the active involvement of foreign governments and foreign cartels, there are times when international markets bear little resemblance to the text book model.

It has become fashionable, Mr. President, to talk about the inevitable decline of the United States. To look only at our weaknesses and not at our potential. There is no necessary decline in our future. There are challenges, not insurmountable problems. But this administration has never understood how the global economy has changed, how great the competitive challenge has become. The Pentagon report, Mr. President, is another urgent warning that the next administration will have a major task ahead of it to repair the neglect in our competitive standing.

Mr. President, I yield the floor.

AIDS UPDATE

Mr. CRANSTON. Mr. President, according to the September 5, 1988, AIDS Weekly Surveillance Report, 72,645 Americans have been diagnosed with AIDS; 40,989 Americans have died from AIDS; and 31,656 Americans are currently living with AIDS.

Mr. President, 2,437 more Americans have developed AIDS and 1,369 Americans have died from this horrible disease since I last noted these statistics 1 month ago.

Mr. President, I am taking this opportunity to bring a matter of great urgency to the attention of my colleagues. On October 1, funding to help pay for the AIDS drug AZT will run out. As many Senators may recall, \$30 million was appropriated in the Fiscal Year 1987 Supplemental Appropriations Act on an emergency basis in order that individuals who were medically eligible for AZT would not be precluded from receiving the drug

simply because they could not afford to pay for it.

AZT costs approximately \$8,000 a year. That is a lot of money for individuals who—even if they are working—face large medical bills and expenses resulting from AIDS. In some States, impoverished AIDS patients can receive AZT through Medicaid, but that coverage is not nationwide. The \$30 million appropriation helped cover the cost of the drug for all people who, without that assistance, would be denied the only life-prolonging drug available.

The company that produces AZT, Burroughs Wellcome, originally charged \$10,000 a year for AZT. Late last year, it reduced the price to \$8,000. Although it appeared initially that there would be many AIDS drugs on the market and that Burroughs Wellcome would have a limited time to recoup its investment, that has not been the case. In fact, AZT has remained virtually the only treatment available. I would also note that the NIH played a significant role in the development and testing of AZT.

Mr. President, I do not quarrel with Burroughs Wellcome or any other company's efforts to make a profit. And, I do not criticize the company for acting on its shareholders' behalf. That is the free market system. But, I also believe that the private sector, particularly the pharmaceutical industry, has a moral responsibility as well to help improve the health and well-being of people who are disadvantaged, sick, or disabled. Moreover, as an August 30 New York Times editorial titled "Forcing Poverty on AIDS Patients" pointed out, "AZT is a special case".

Mr. President, the AIDS epidemic is testing the very fabric of our society like no other disease before. Conquering AIDS is going to require all of us to extend a helping hand—to show compassion.

I have recently become aware of practices by some pharmaceutical and biotechnology companies to provide high-cost drugs free of charge to low-income individuals not covered by government or private health insurance. This is a truly compassionate practice and I applaud those actions.

Although such a policy may not be completely feasible with AZT, I encourage Burroughs Wellcome to take any appropriate steps to carry on this new and compassionate trend in the pharmaceutical industry. In so doing, the company would truly be living up to its mission to relieve suffering and improving health.

I ask unanimous consent that the New York Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 30, 1988]

FORCING POVERTY ON AIDS PATIENTS

A year's supply of AZT, the only drug with some efficacy against the AIDS virus, costs a patient \$8,000. A Federal grant to the states is available for those who can't afford it. But the grant runs out in September, leaving uninsured patients with a choice. They can stop taking AZT, or spend themselves into poverty, until their assets are worth less than \$3,100, so as to qualify for Medicaid.

The Federal grant has little chance of being renewed, and states are not rushing to make good the shortfall. That focuses attention on the immediate cause of the crisis, the price of AZT, said to be the highest ever charged for a drug. The cost is personally devastating to those who must spend down to poverty, but the burden of paying for AZT in the end is borne by everyone through higher taxes and insurance costs.

Burroughs Wellcome, the manufacturer, says AZT is unusually expensive to make and that it has "committed more than \$80 million" to developing the drug. But some of the \$80 million is contracts for future supplies, not money actually spent. In any case, the cost of bringing the average drug to market is far higher—\$125 million.

Burroughs did have a good reason for charging a high initial price, but the reason is no longer valid. When AZT was introduced, in March 1987, other and maybe better AIDS drugs were expected imminently. The company feared it would have limited time to earn back its investment. But the competitors have not materialized even now, and the market for AZT is booming. Last December Burroughs cut the price so as to reduce the annual cost to patients from \$10,000 to \$8,000.

Does \$8,000 still represent an unreasonable profit? Only Burroughs knows, since it refuses to discuss costs. But some general principles apply. One is that drug companies should be allowed every incentive to develop effective drugs, especially for AIDS. Burroughs took a chance on AZT; why shouldn't its reward be to charge whatever the market will bear?

Perhaps because of another principle, that profit should be related to risk. Burroughs did not bear the full risk of developing AZT from scratch. The chemical was first synthesized in 1964 by Jerome Horwitz, a researcher supported by the National Cancer Institute. His hope was that AZT would work against cancer.

Its effectiveness against the AIDS virus was shown in 1985 by the National Cancer Institute's Samuel Broder. He developed a special screening system and tested AZT at Burroughs' request. But by the time the Government thought of applying for a patent on the drug it had invented and tested, it found Burroughs had done so first.

AZT is still the only drug that offers clear benefit to people with AIDS. Burroughs has earned a generous profit for its contribution. It took the risk of paying for manufacture and clinical testing at a time when AZT's privileged position seemed likely to be short-lived. But that's a considerably lesser risk than the patent system is designed to reward, that of developing a drug independently.

A drug company should not usually have to justify its profit, but AZT is a special case. The Government made major contributions to its development. Burroughs Wellcome is a subsidiary of a charitable trust whose founder, Sir Henry Wellcome, directed that earnings be used for research to im-

prove the physical condition of mankind. He would surely be horrified to learn that people were being forced to sell their homes and property in order to meet his company's price for a life-prolonging drug.

REMARKS OF GOVERNOR DUKAKIS CONCERNING FOREIGN POLICY—CHICAGO, IL

Mr. PELL. Mr. President, Michael Dukakis yesterday gave an excellent speech on foreign policy. He is pungent hard hitting, far reaching and hazy on reason, not rhetoric. I know that I found myself in full agreement with its thoughts and main points and believe it would be of interest to my colleagues. For that reason I ask unanimous consent that Governor Dukakis' speech be entered in the RECORD following my remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

MICHAEL S. DUKAKIS—SEIZING THE INITIATIVE UNITED STATES-SOVIET RELATIONS IN THE 1990's, CHICAGO COUNCIL ON FOREIGN RELATIONS, CHICAGO, IL

Yesterday, in Philadelphia, I spoke of the need to restore respect for American leadership in a changing world.

I spoke about the need to confront new challenges—the new challenges of tough international economic competition, terrorism and drugs. And that's not all. Western Europe is headed for full economic integration in 1992. Mexico, our neighbor to the south, faces new threats to its economic and political stability that we ignore at our peril. Strong international efforts are proceeding to end the Soviet occupation of Afghanistan, the South African occupation of Namibia, and long, brutal wars in trouble spots around the world.

But nowhere have the prospects for change been more dramatic; and nowhere are the challenges of change more complex than in our relationship with the Soviet Union.

It was more than 150 years ago that de Tocqueville foresaw a world dominated by two great and very different continental powers.

"The conquests of the United States," he said would "be gained by the plowshare; those of the Russians by the sword . . . the principle instrument of the former is freedom; of the latter servitude. Their starting point is different and their courses are not the same; yet each of them seems marked out by the will of Heaven to sway the destinies of half the globe."

History has done well by de Tocqueville, but even he did not foresee the day when two nuclear superpowers would face each other across the globe; the day when the relationship between the U.S. and Russia would determine not just the kind of future we will have on this planet, but whether we will have a future at all.

As de Tocqueville predicted, the Soviet Union has often pursued its goals down through the years, not with plowshares, but with swords; respecting the rights neither of other nations, nor of its own people. The symbols of tragedy and betrayal echo through the decades like the tolling of funeral bells; Berlin. Hungary. Prague. Afghanistan. Poland. The Gulag. And Sakharovs and Sharnskys and Solzhenitsyns by the tens of thousands.

We have fundamental differences with the Soviet Union. Differences of culture. Of history. Of interest. And of values. And these cannot be overlooked even as we think about Ronald Reagan and Mr. Gorbachev walking arm in arm through Red Square.

All Americans understand that.

The difference is that some of us do not, and will not, accept the tragedies of the past as a prophecy for the future.

The difference is that some of us do not, and will not, accept the tactics of our adversaries as an excuse for abandoning our own principles and values.

The difference is that some of us do not fear change. We welcome it. And we want to test it.

The Republican ticket does not have a strategy for testing the limits of what is called "new thinking" in the Soviet Union; Lloyd Bentsen and I do. We want to challenge the Soviet leaders, test their intentions, and explore the opportunities that may exist to build for our children a more stable and less dangerous world.

They are content to leave the initiative on arms control and regional disputes and the spread of advanced weapons systems around the world to Mr. Gorbachev; we are not.

They want to turn back the clock; to suggest that nothing has changed; to pretend that Soviet leadership today is as tired and as paralyzed and as heavy-handed as it was only a half dozen years ago. President Reagan understands the dangers of that course; and so do I.

Just as it would be blind to believe that nothing has changed in the Soviet Union; it is a mistake to suggest that everything has changed. Mr. Gorbachev is a Leninist. He has not abandoned Soviet goals, but rather seeks to advance those goals through different means.

Where his predecessors were ponderous in diplomacy, Mr. Gorbachev is nimble; where they were predictable, he has a facility for surprise; where they were orthodox, he has used the pulpit of our open western press to place before the world an image of a Soviet Union on the verge of far-reaching change at home, and in world affairs.

To deal successfully with Gorbachev, the next President must be tough, he must be realistic, he must have good judgment, and he must be committed to building a strong defense.

As President, I will provide that leadership. George Bush has been around Washington for a long time; but if he couldn't stand up to the Ayatollah or say "no" to Noriega, how will he measure up to Gorbachev?

And if he truly believes that J. Danforth Quayle is qualified to be one heartbeat away from the Presidency, how can we trust his judgment when America's future is on the line?

Three times since 1945, men who served as Vice President have been called to the Presidency, called to the leadership of the Free World. In each case, these men have had to engage in tough bargaining with the Soviet leader.

First Harry Truman at Potsdam, then Lyndon Johnson at Glassboro, then Gerald Ford at Vladivostok.

Dan Quayle is no Gerald Ford. He's no Lyndon Johnson. And he sure ain't Harry Truman. Can we stake our future on the hope that he is a match for Mikhail Gorbachev?

Today, Mr. Gorbachev presides over a nation that has seen its rate of economic growth fall in every five year plan since the

1950's. A nation where alcoholism and poor health care have chopped six years off the life span of the average male; where infant mortality is up and the birth rate is down; and where it takes the average worker four days to earn enough to buy a pair of jeans; and more than a week to buy a pair of shoes.

Mr. Gorbachev wants to make his country part of the international economic community. He wants access to western resources and technology. He wants expanded economic contact with the West and he wants to join international economic institutions. What is he prepared to do in return? Will we allow him to pursue that strategy unchallenged, or will we have a strategy of our own to protect American interests and translate Soviet economic weakness into improved Soviet behavior in world affairs.

The next President must understand the obstacles that exist to an improved relationship with the Soviet Union. But he must not be put off by them. We must act, not react, if we are to regain and maintain the initiative in world affairs. Yes, it would be naive to take Gorbachev at his word; but it would be dangerous to allow his words to go unanswered and untested in the court of public opinion around the globe.

We must maintain our military strength; increase our economic strength; preserve our alliances; and reaffirm our willingness to respond to force with force in defense of our vital interests around the world.

But maintaining the status quo is not enough.

We must challenge Soviet leaders as John Kennedy did twenty-eight years ago; "remembering on both sides that civility is not a sign of weakness, and sincerity is always subject to proof . . . let both sides explore what problems unite us . . . and if a beachhead of cooperation may push back the jungle of suspicion, let both sides join in creating a new endeavor. . . ."

Let us, in that spirit, meet the challenges of a new generation of Soviet leaders.

Let us challenge them to join with us to meet the responsibilities that as world leaders we both share—to work together to preserve our environment; combat world hunger; reduce infant mortality; and conquer AIDS.

Let us challenge them to build on the progress made already by Mr. Reagan and Mr. Gorbachev—to make deep cuts in the number of nuclear arms and reduce the risk of nuclear war. I supported the President on the INF Treaty. I hope he will make further progress on arms control between now and next January.

And let us challenge the Soviet leaders to match their new words of peace with new actions that will advance the cause of peace.

Let us, in the first months of the next Administration, seize the initiative in the relationship with the Soviet Union; and let us measure the prospects for change by observing the progress towards change—progress towards reduced tensions in Europe and in trouble spots around the world; progress in controlling the spread of dangerous military technologies; progress towards the promise of dignity and respect for all people in all societies in every part of this earth.

Mr. Gorbachev must understand that if there is to be a fundamental change in the relationship of his country with the western world; there must first be a fundamental change in the balance of forces in central Europe.

The Soviet leader has called for a "reasonable sufficiency" of forces. "In the Europe-

an building" he says, "every apartment is entitled to protect itself against burglars, but only in such a way as not to demolish the next door apartment."

And yet today, more than half a million Soviet troops are trained, equipped and regularly exercised to conduct a surprise attack on Western Europe. The West does not threaten the East; and yet the threat posed by the massed military forces of the Warsaw Pact threatens not just to destroy the European building, but the planetary neighborhood, as well.

As President, I and our NATO allies will challenge Mr. Gorbachev to eliminate the Soviet advantage in tanks and artillery, not just by de-mobilizing those weapons, but by destroying them. We will challenge him to draw his troops back into the Ukraine; and, working together exchange observers at key military bases and transportation points so that we can be confident that Soviet commitments are being matched by Soviet deeds.

Second, I will challenge Mr. Gorbachev to work with America and other responsible members of the world community to cool, not fuel, regional conflicts. To heed the plea of President Arias and cease the shipment of arms to the government of Nicaragua. To stop supporting terrorists in the Middle East. And to take steps to resolve the greatest and most prolonged regional conflict in the world today—in Eastern Europe.

When we think of regional conflicts, we usually think of guerrilla warfare, stinger missiles, jungles and deserts. But we must constantly remind the Soviets of the regional conflict they created in Eastern Europe; a conflict that has resulted in totalitarian rule over six proud nations for more than 40 years.

We have heard the propaganda, but we know the facts. The nations of Eastern Europe are police states, not worker states. They are lands, to borrow Orwell's phrase, "where the fields are plowed by hand and books are written by machine."

My friends, the people of Eastern Europe want what we want; what all people want. The right to express their views openly; to choose their leaders freely; to worship their God openly and without fear. They want to breathe the sweet air of freedom and no Berlin Wall, no censor, no prison warden, no dictator can extinguish that desire from the human heart.

We know that the Soviet Union cannot ignore the security concerns that history has embedded in the very fiber of their society. But free trade unions do not endanger security; political parties do not endanger security; free elections do not endanger security; and the right to worship God can be a threat to no civilized power. There is no reason why the spirit of Nagy and Dubcek and Walesa cannot triumph. There is no reason why the Soviets cannot admit the tragedy at Katyn.

Mr. Gorbachev must understand that, in Eastern Europe, it is the status quo that creates instability. Repression has failed. Soviet domination of Eastern Europe is depriving its own society of the economic and diplomatic benefits that full acceptance in the world community would provide.

Third, I will challenge Soviet leaders to work with America and with other world powers to prevent the spread of nuclear and chemical weapons and the missiles that carry them.

The world faces few graver threats than the spread of nuclear arms. Ending the proliferation of those weapons will be a top pri-

ority in my Administration. I will urge Mr. Gorbachev to join me in making sure that all nations sign and strictly abide by the Nuclear Non-Proliferation Treaty.

Today, our ally Israel is threatened, and stability throughout the Middle East is endangered by the spread of advanced technology that will allow nations as irresponsible and aggressive as Syria, Iraq and Iran to launch missiles armed with deadly chemical—or even nuclear—weapons. So far we have heard nothing from Mr. Bush on the subject.

As President, I will work with our allies to persuade Mr. Gorbachev that if he wants to join the international economic community, he must first get out of the business of exporting these deadly weapons to volatile regions of the world.

Fourth, I will challenge the Soviet Union to live up to Mr. Gorbachev's stated commitment to "reject terrorism . . . and cooperate with other nations in eradicating this evil."

It's no secret that, despite what Mr. Gorbachev says, the Soviet Union continues to this day to supply arms to Qadhafi, Syria and the PLO.

We can't end the deep divisions that separate nation from nation and people from people overnight, but we can resolve—and all civilized nations should resolve—that terrorist acts, committed not to defend a society, but to sow fear among the innocent and suffering among the defenseless, cannot be rationalized, cannot be excused, and cannot be tolerated on this globe.

The Soviet Union must meet this standard. And in a Dukakis Administration, bearing in mind the tragic mistakes of the last few years, so will the United States.

Fifth, I will challenge the Soviet Union to live up to its obligations under the Helsinki Accords—to let Jews and other minorities emigrate if they wish, and let them worship freely and pass on their heritage to their children if they stay.

It is not enough to say that human rights are an internal matter. It is not enough to pretend that rights exist when they do not exist. It is not enough to dole out a few visas and allow the exercise of limited and long-delayed freedoms by a few; for human rights are not bargaining chips; they are not pawns in some diplomatic game; they are the very foundation of peace, itself. For peace can only come through understanding; and understanding cannot come when basic principles of human dignity and opportunity are denied.

My friends, the challenges we will make to the Soviet Union: to draw back from confrontation in central Europe; to bring down the walls of repression in Eastern Europe; to control the spread of dangerous weapons systems; to fight terrorism; and to respect human rights; are offered not as hurdles to impede progress towards peace; rather, they are the rungs of a ladder which must be scaled if a true and lasting peace is to be maintained.

Taken together, these challenges reflect not a set of standards that the Soviet Union alone must meet; they demand a pattern of behavior by which all nations may fairly be judged.

We, in America, should stand ready to respond to progress with progress; to meet the Soviet Union at the bargaining table instead of the battlefield; to hold out the prospect of better economic ties; to open the door to closer cooperation on the environment; and to end human suffering.

But we must be ready to meet stubbornness with determination; deception with the truth; and aggression with the full power of a strong and united democratic alliance.

My friends, I am running for President because I want to lead an America that leads the world; an America that does not settle for second-place or second-best.

An America that loves peace, but knows the cost of freedom.

An America that has not wavered from the pledge that another son of Massachusetts made 28 years ago, a pledge to "pay any price, bear any burden, meet any hardship, support any friends, (and) oppose any foe to assure the survival and success of liberty."

My friend, this year, 200 years after the election of our first President; let us dedicate ourselves anew to the dream of those who founded our country; firm in our purpose; true to our principles; confident that the best America is not behind us; the best America is yet to come.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business to be conducted? If not, morning business is closed.

REMEDIES FOR THE U.S. TEXTILE AND APPAREL INDUSTRIES

The PRESIDING OFFICER. The clerk will report the pending business of the Senate.

The assistant legislative clerk read as follows:

A bill (H.R. 1154) to remedy injury to the United States textile and apparel industries caused by increased imports.

The Senate resumed consideration of the bill.

Pending:

Hollings Amendment No. 2945, in the nature of a substitute.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, to further the understanding of our colleagues, I appreciate this opportunity this morning to elaborate on the nature of the competition that we face. We have heard that we lack technical skills, that we lack capital, that we are not productive, that we do not think positively.

I have heard it before, but never more eloquently than by our distinguished colleague from Oregon in his think-positive philosophy of "I think I can." He has made a number of valid points, but valid at a different time and in a different economy. The truth of the matter, Mr. President, is that since World War II the economy of the United States and the economy of the entire world have changed dramatically. And that change has been led by the government-sponsored commercial offensive of our colleagues in

Japan, which must be respected and, in certain instances, admired.

It is remarkable to take a country, devastated in World War II, with no economy and no industrial production, and bring it in a 43-year period from number zero to number one. That seemingly should intrigue U.S. Senators and Congressmen. But it is not a phenomenon that can be understood through political bumper stickers and campaign slogans and 20-second sound bites. It requires study in depth.

The Japanese like to explain their ascendancy as the product of their work ethic and unique culture. And assuredly they are a factor, but not the determining factor when it comes to economics and market share and competition and productivity and those kinds of things.

From the ashes of total defeat in 1945, Mr. President, the Japanese have followed a brilliant game plan. While Americans were talking about anti-trust and consumerism and free markets, the Japanese cleverly nodded but rejected our course. For one, they rejected heavy borrowing. They insisted on building up their own capital.

My colleague, the Senator from Oregon, pointed out that at one time in our history we borrowed from the British. Today we borrow from Japan, tens of billions of dollars a year. And we pay billions in interest to Japan to finance the extravagance and profligacy of this Government. We will not pay our bills. We just keep borrowing.

In fact, I am rather intrigued by the Senator's consumer arguments, his sticking up for so-called consumer rights. I had never heard of any Government organized for the consumers, except perhaps Rome. And we know what happened when Rome set off on the path of bread and circuses and spending and profligacy and extravagance and waste. It led directly to the decline and fall of Rome.

And now today we are embarked on a similar course. Our national debt has trebled during the Reagan years. They call it an economic miracle. I call it an economic binge. There is no question about it. If you infuse up to \$200 billion in deficits each year into the economy, you are bound to create some kind of jobs somewhere, even if only at the banks where they scramble to count the money and loan it out and issue credit cards and so on. So we have had a \$200 billion binge—unheard of in previous administrations.

I will never forget that, as chairman of the Budget Committee, I went to President Carter after his defeat in November 1980. I said, "Mr. President, you are going to leave a bigger deficit than what you inherited from President Ford."

He said, "That can't be."

I said, "Oh, yes."

He said, "What was the Ford deficit?"

I said, "\$66 billion."

He said, "Well, what is the projected deficit?"

I said, "\$75 billion."

"We can't let that happen," he said.

"There it is, \$9 billion more than Ford's biggest deficit."

The President of the United States said, "That has got to be stopped. We cannot allow that to happen."

I said, "I agree, Mr. President, but leave it to me to get the votes from our liberal friends. Just let me handle it. Tell that OMB crowd to stay back at the White House."

And I went, thereafter, to our friends McGovern, from South Dakota; Magnuson, from Washington; Frank Church, from Idaho; John Culver, from Iowa; Birch Bayh, of Indiana; and Gaylord Nelson, from Wisconsin, and I said, "You folks have got to help. We can't let stand a record of a deficit of \$75 billion."

We must cut the spending levels that have already been appropriated. We called it a fancy word, "reconciliation." It was the first reconciliation bill, on December 5, 1980, that we passed into law.

How far we have come from that innocent time. We were worried, then, about increasing the deficit \$9 billion. We flat lie about that kind of money today; we obscure it in smoke and mirrors. One agency, OMB, says the deficit is going to be \$150 billion; CBO says no, \$170 billion. We know it is going to be nearer the \$170 billion. But we just juggle the figures. We say, well, let us use OMB figures for our distinguished Parliamentarian to make a ruling on. We will not let the CBO figures be used. We prefer OMB, because OMB lets us cook the books and continue the binge.

So now we have trebled the debt in 7½ years. It is up past \$2.5 trillion. We have a budget deficit and a trade deficit that together will approach \$400 billion at the end of the year.

We are just going up, up, up and away on a binge.

If we would try to sober up and ask questions and become curious, we would learn that Japan instituted fiscal discipline and savings and they went right to the heart of the matter. They instituted a postal savings plan to encourage massive personal savings.

In the United States of America, we practiced the same discipline when we grew up during the Depression days. We saved every nickel we could get our hands on. Today we spend every nickel we can get our hands on because it does not pay to save.

The Japanese, in contrast, have fostered their postal savings plan to raise capital from the people. They did not have credit cards.

Can you imagine a society without credit cards? The Japanese call us immoral. Maybe it is immorality, but I

think the explanation is elsewhere. The answer is in incentives. If it pays to save, if the incentive is there, human nature responds and people save. In Japan, you are not rewarded for interest on your investments. You do not deduct the interest costs on any kind of loans. Instead of interest free home loans on the home, in Korea you must buy a couple of thousand dollars in bonds when you buy that home, which is money to go back into the kitty as available capital for others to buy a home.

So, in Japan and Korea, the rewards are given to conservation, to saving. They seek to build up capital and avoid becoming indebted.

Then they take that capital and allocate it to foster exporting industries. There is the choke point. I heard a little while ago our distinguished friend from Delaware, Senator Roth, talking about how the power of the purse is the power to control. Well that is the choke point.

If you have an agency like the Ministry of International Trade and Industry to allocate that capital, then you can say we are going to build this and not build that; we are going to put our money in this and not put our money in that. The Government orchestrates the economy to win in world markets. That is the nature of our competition.

It is not, if you please, Mr. President, "free market, free market, and you have to think positively." That is what they teach freshman in economics 101. They teach freshman that badly run businesses go broke. People take risk. Some go broke. Others succeed. That is the way it is supposed to work in a free market. But, internationally, we are not in a free market. We try to disregard and turn a blind eye to exactly what is going on.

Why? In a 43-year period, Japan has grown richer than we are. Per capita income in Japan is \$19,000 per year. The per capita income of America is only \$18,600. There, the victor has now been overcome by the vanquished. They are richer than you and I are. Their system has worked. Their governments control that capital, and, in allocating it, favor certain exporting industries. And they provide the tax incentives, and they provide leasing companies, and they control the domestic market. They do not allow a price war. There is no free competition in the domestic Japanese market. Then they pressure all sectors of the economy to buy Japanese. Compare that to the United States, where we just heard an amendment on the floor that declared it was wrong for us to even buy American for our defense.

There was a finding by President John F. Kennedy 28 years ago that the textile industry is second only to steel in importance to our national security. Obviously, we cannot go to war in Japanese uniforms and Gucci shoes.

Where are we going to get the woolens? We have very few woolen uniform producers right now. We would be in a crisis condition if we went to war.

We had better be careful where we choose to make wars; pick out Vietnams and other warm places. Do not pick out any cold places because we just do not have the woolen uniforms at this time.

But now over \$10 billion, Mr. President, goes for foreign purchases in our defense bill: \$10 billion. Can you imagine that? \$10 billion to boost foreign economies. And we are sitting around talking about jobs and jobs and jobs, and how to create them in America.

The press supports this folly. Ask them the last time they let the press listen in on Japan's Ministry of International Trade and Industry. Their MITI meetings at the Iron and Steel Building every Monday morning, are a cabal. They meet and decide the national commercial policies, decide the allocations for the development bank, for the various commercial banks, who gets the credit, at what rate, and so on.

Incidentally, capital, I have seen estimates that it is anywhere from three times easier to seven times easier to obtain capital in Japan than in the United States. The Japanese investor has a 7 to 1 advantage over the American investor. They are so rich and omnipresent that they are buying up everything in sight.

In contrast, the United States handles trade through some 28 departments and agencies. Harry Truman, the little haberdasher from Independence, MO, said at the end of World War II, "The State Department crowd says one thing ought to be the policy, and about that time in comes the Defense Department and says, 'No, no, you have to do this.' Our intelligence sources say, 'No, this is the case.'" He said: "I can't make heads or tails, but I am going to put them all down in the cellar into one National Security Council and let them hammer it out downstairs, bring it up to me and give me two or three alternatives and I can make a decision."

The result was the Marshall plan and the Truman doctrine and the North Atlantic Treaty Organization—you really have some farsighted foreign policy thanks to a little man who had common sense.

I see nothing but confusion in our Government on trade. You have the Department of State, then you get the Department of the Treasury with its customs and duties and tariffs, but, no, the Department of Commerce is supposed to set the policy. I am chairman of the Commerce Committee. I have never been able to get hold of our policy. Every time you try to set one, they run it over to the Finance Committee. They want to control it over there.

The Department of Agriculture also gets into the act. There is a Special Trade Representative running around trying to sell tobacco and oranges while we are importing orange juice from Brazil.

All I have ever wanted to do to bring about a little competition; to put America on an equal footing. We could not duplicate Japan, Inc., as they call it, and would not want to duplicate Japan, Inc. But we must wake up and sober up to the nature of the challenge before us.

The Japanese have an antitrust law, but it is not enforced and, on the contrary, they actually encourage cartels. They permit price discrimination and price-setting. They subsidize their exports and use arbitrary inspection practices to block imports.

If you try to sell a Ford automobile, it takes 4 months on the docks of Japan to get it through inspection. They will change the battery cable requirements and get a different specification because they do not want a surge of auto imports. General Motors and Ford used to dominate the Japanese market. But we have been shouldered out of their market.

They strictly control their market and put in arbitrary standards for imports. You have to meet Japanese standards. They put a twist and a turn on it in a sinister fashion. Any time we try to send the same product back, they make a slight change.

If we think it is tough to get a Ford automobile into Tokyo, it takes 1 year to get a Toyota or Japanese car into Paris, France. They still are inspecting the 1988 models. If you want to buy a 1988 Toyota in France, you cannot buy until January 1, 1989.

In contrast, the Toyotas are delivered to the dock in Portland, OR, and of a thousand cars that arrive, we inspect about 10. They put them on flatbeds and railroads and bring them across to New Orleans and Charleston, SC. They get immediate service and quick passage.

The fact of the matter is that there is a version of MITI in one form or another in all of these Pacific Rim countries. They have seen the Japanese. They have adopted the model. They all work together as a society.

Now the European Economic Community is moving in the same direction. Economics is forcing the European Economic Community to move in the same direction. It is nice to hear Americans babble about free markets, but the EEC is moving into a unified market by 1992. The Economist magazine deplores the fact that the EEC is expanding specifications and standards, that they were putting in EEC—content bills, tariffs and nontariff barriers. The Economist writes in dismay, "Oh, where are we headed?" Well, I can give you the answer. The EEC is

headed to compete. The EEC is doing what is necessary in order to bring about competition and perhaps, as I have indicated, increase the free market. They realize that, temporarily, you have to raise a barrier to remove a barrier. You have to make barrier—removal in the economic interest of the trading rival.

So, Mr. President, the natural forces of economic competition have not only moved Taiwan, Korea, Hong Kong, Thailand, Indonesia, the Pacific Rim countries into the same competitive mode, but they are moving the European Economic Community, to the dismay of the London Economist and perhaps many others. We will be the lone remaining nation sitting on our laurels, fretting that we may start a trade war. Heavens above, the trade war has been going on now for 30 to 40 years in a cleverly-directed market assault. We are up in the grandstands caterwauling. We are like children on the floor of this Senate, babbling about protectionism.

Now, Mr. President, you and I take the oath to preserve, protect and defend. The President of the United States under the rotunda is sworn to preserve, protect and defend, but once you move 100 yards north to the floor of the Senate and if you say you are going to protect, people go ape, saying "Oh, my heavens. We are glad to see a fellow who is honest and willing to say he is a protectionist, but it is an abominable sin."

The fundamental principle of government is to protect. We have the Army to protect us from our enemies without, the FBI to protect us from our enemies within. We have Social Security to protect us from old age, unemployment compensation to protect us from the ravages of the loss of a job. We have environmental laws to protect us in the air we breathe, the water we drink. We have industrial laws to assure safe machinery and a safe working place. All of these laws are to protect. That is what you and I swear to do. But if you try to protect your industrial backbone, your standard of living, it is taboo. It is heresy. The fellow must be crazy.

Why, Heaven's above, I heard the lecture about Hamilton wanting mercantilism. The point is that Hamilton was against America's remaining a trade colony of Britain. He advocated our independence and, as a result, working with Jefferson and Madison, the very first bill to pass this Congress July 4, 1789, was a tariff bill, up to 50 percent duties on steel and 70 other articles. Hamilton told them back in Great Britain, "We are not going to remain your colony." They listened to that comparative advantage nonsense. Britain said, "You in the United States trade with us what you produce best with your comparative advantage. There will be no tariffs, no barriers.

Free trade. Free trade. And we in turn, in merry old England, will trade back with you what we produce best with our comparative advantage. There will be no tariffs, no barriers; free trade, free trade." They are still advocating this nonsense in the London Economist. They must have written for King George.

Well, here we go. Hamilton said in his report on manufacturers, "Bug off"—two words to describe that scholarly treatise. He said, "We are not going to remain a colony. If we did that, we would never produce any finished goods. We could not build up our economy, our defenses," and so they passed that first bill to protect U.S. industry. So I said yes, Hamilton, Jefferson, Madison, the Founding Fathers were protectionist. Put me down behind them. Add Lincoln when he built the transcontinental railroad, built the steel mills. They said, "Buy it from England." Lincoln said, "No. We are going to make the steel in this country. We will have not only the railroads but the mills." Franklin Roosevelt, with a developed economy that went into the Depression, was a protectionist. FDR put in the Agricultural Adjustment Act with price supports to protect our agriculture.

So I join protectionist Roosevelt and protectionist Ike. Eisenhower in 1955 put in import quotas for oil. Old protectionist Eisenhower and old protectionist Roosevelt, Madison, Jefferson, Hamilton and Lincoln. I join the crowd because they knew how to acquit their fundamental responsibility as public servants in Washington.

The newspaper editorialists claim I have been bought by the textile industry's paltry contributions. That is the pot calling the kettle black. I got the Washington Post's annual statement; it shows that they get 89.3 percent of their revenue from the retailers. Have you ever seen an editorial favoring a textile bill? They favor the retailers. I never heard of a textile manufacturer advertising in any of those newspapers. They know where their bread is buttered.

We must protect our economy, because systematically the Japanese have moved in. They have gone down the line with autos, steel, banking, textiles. There is no mystery to it.

We politicians on the floor of the Congress are the ones who ought to get off the golf course. We are the ones who set the policy. We are the ones that set the standard of living.

Yesterday, I listed the protected items—Social Security, unemployment, minimum wage, clean air, clean water, parental leave, day care centers, plant closing—fine, let us have it all and put it all in. That adds to the cost of production.

I was listening this morning to a news item about a gentleman working in an auto plant in Korea. He works 11

hours a day, 6 days a week, and he makes \$10,000 a year, less than poverty wages in America. Do we want to work 11 hours? He works that 11 hours, 6 days a week, and he is happy. He said he would like to get more. That is the ethic.

I described the dowry where the Korean women come in at age 18 through 22. They build up their dowry at \$1.35 an hour working 6 days a week, 10 hours a day. Then they go back to the village to get married. Do we want to say that that is what we expect the ladies of America to do? There are no health insurance costs there. The average age is around 24, 25 and the plants have thousands of these charming young ladies. But the average age of the competitive plant that is outprocessing them in South Carolina is around 50 years of age.

The U.S. textile industry is mechanized and automated. Our industry has invested \$18.6 billion since 1980, over \$2 billion a year. We have had a 4.6-percent increase in productivity each year every year for 10 years as compared to that national average of 2.7. We are the most productive textile industry in the world. But why should we continue to invest if we have reached that 55 percent import saturation level?

I saw it happen in the shoe industry. They told the shoe industry at the 50 percent mark—about 52 percent in 1982—"Don't worry, compete, beef up, modernize. You are not competitive; you are not productive." Well, with all of that, even though they proved their case of injury twice before the International Trade Commission, they turned them down at the political level. The White House overruled the findings. The shoe people used the law that you and I have put on the books. So now 84 percent of the shoes around here in this Chamber, and 84 percent of all the shoes in the United States are imported. And so the question is do we want the textile industry to go that route?

My colleague from Rhode Island [Mr. CHAFFEE] comes in, and he says there is full employment in the shoe industry, full employment in the shoe industry. Nonsense. They only have 16 percent of the shoes being produced in this country. That is why I said in the next war we will have to go in our Guccis. We cannot produce the shoes here. We will have Japanese uniforms, and Gucci shoes.

So the question before the Congress on the textile bill is not something just for South Carolina because we have garment workers not only in South Carolina but in downtown New York, and in downtown Chicago, IL. This thing affects the cotton farmers, and the wool growers who stand to go out of business. They do not sell any wool overseas, but they sell it for wool

production right here in the United States. That is why the farm States now are beginning to see the light, because they have a diminishing international market to sustain them.

The European Economic Community used to import wheat. Last year, they exported 20 percent of the world's wheat thanks to a 25-percent subsidy.

Similarly, the People's Republic of China used to import our corn. But last June, a year ago, in Long Beach, CA, they landed corn at 18 cents a bushel less than Nebraska corn. So the Chinese, a billion of them now, are increasing their productivity. They have incentives.

That was the dramatic impression on this Senator when I was there in 1986, comparing it to 1976, when they were destitute. They had loudspeakers in the field, and they were conducting reeducation. It was deplorable, living in mud huts. Now they have picket fences around, with little plots, and not only produce for the State, but also for themselves. The women in the little communities are making textiles, and they are moving into the market in Hong Kong. We are really competing with the People's Republic of China, not directly but indirectly, through Hong Kong.

So, how do we survive and how do we remain as a world power? We cannot, unless we can produce steel, rubber, glass, aluminum, rolling stock. You cannot deliver your wheat on an optic fiber.

These fuzzies in the East, at Harvard, say, "High tech, high tech, high tech." They do not understand. You can make all the high technology you want in Indonesia. This year, Indonesia's revenue will not come from exports of oil but from industrially produced items.

Peugeot has a factory on the Ivory Coast; automobiles in Africa; semiconductors in Brazil; high technology in Mexico.

We sit here smugly, like we are smart, Caucasians with a lot of brains and research, and we are the only ones who can produce. Baloney. They are producing Boeing airplanes in Japan. The Boeing airplanes made in Washington are made with Communist Chinese parts.

There you are. The People's Republic of China is winning out. We are helping the Russians. We are helping the People's Republic of China. We are helping the Bulgarians. We are helping the Romanians. We are helping the Communist states where, they say, we cannot even determine a subsidy. They are dumping their products right here, and their textiles particularly, into the United States.

So there it is. Are we going to protect our market share? The answer is yes. What part? I say give them all

they have. Give them a majority of our market.

Who ever came before a political body and hoped to survive politically by giving away half his industry? That is how desperate I am, because I have been to the top of the mountain and I have seen the other side. If we go to 84 percent import penetration, then we have lost a basic industry that my friend Jack Kennedy found was vital to our national security.

I do not want to go that way. No sane man—as we call them in the law, "no reasonably sane and prudent man"—is going to invest in the textile industry. There are many other opportunities for investment.

So, while they have been investing \$2 billion a year since 1980, they have quit, and, yes, they do fall behind. Instead of being the most productive, they would become unproductive, and the foreign producer takes over.

We politicians do not understand the results of the laws we pass. We are the ones who set up all these things that require child care. Of 17 million jobs, 50 percent are part time.

All this is in your back yard—in Illinois, Michigan, Indiana, Detroit. I have seen it because I have campaigned through here. Automobiles are assembled with Japanese parts, by a robot, and they call them American cars. The whole guts and sinews of that industry have gone overseas.

I have to listen to Iacocca, with his American Flag: "Get a better buy, get a better buy." Now he is going to Korea, because I got him the money, as chairman of State-Justice-Commerce—we got him the money in the appropriations bill at Christmastime, and we have not seen him since. Why? Because he has gotten off the golf course. I do not belittle him. I admire him. He has been competitive, and competition requires him to go down now to Mexico, like some of the industries Governor Hollings brought in.

Until 6 or 7 years ago I never had an industry leave South Carolina; never heard of it. I got Elgin Watch Co., in Illinois; brought them down to South Carolina to make watches. I renamed the town of Blainey, and it is now Elgin. We call it Elgin, SC. They had an increase in productivity of 75 percent. They said they are leaving for Korea and they do not make Elgin watches in America today.

Retraining Act. For what? If I am a businessman and you have a 50-year-old or 55-year-old employee and he has lost his job, why should I take him on? I am going to take on a 25-year-old. I do not want to start paying out health costs. If I hire the 50-year-old, I have health costs and retirement to pay. I look at my balance sheet, and the auditor says: "Hollings, you're goofy. Get out of the company."

It is not that 50-year-olds are not productive. They are productive. You

can retrain them all you want. We do not need politicians to say they are for national defense and then not protect the industrial backbone of our Nation. They are the ones, by cracky, who are causing my problem.

The State of South Carolina has the best retraining system in the United States, and we pay for it, and we do not need any Federal money. But you have to have the jobs, and the jobs are not there. So they do go to lesser jobs. The Joint Economic Committee has reported how they are resorting to lesser jobs, and now we find out that of the 17 million new jobs since 1980, 50 percent are part time.

Industry has gotten so competitive that they say, "We can make more profits by not taking on any kind of promotional responsibilities, any kind of benefit responsibilities, any kind of retirement and pension responsibilities. So we hire them part time."

Yet the politician on the floor says, "You've got to be more positive"—"Norman Vincent Packwood." "You've got to think positively. That's what you need to do."

We had 584,000 businesses that "thought they could" and went bankrupt last year, and we will have 610,000 more this year. We have 274 new bankruptcy judges and they have an amendment over there to put on another 10—284 bankruptcy judges.

So as a result of our policy or lack of a trade policy, Heaven's above, I am spending \$211 million just to go broke.

I have the biggest court system you have ever seen. Every time I meet with my subcommittee on appropriations I have more crime, more policemen, more drugs, more bankruptcy judges and they say "Oh, we have agreed at the summit agreement that we are not going to have problems next year. We are going to have the same problems in 1989 that we had in 1988. So your problems will not increase and you do not have to take care of them."

That is how the politicians think and they all get the good government award. "Now we made a very sane, sensible, fine agreement. We showed constraint. We are going to handle this deficit and so there will not be any provisions for those new problems."

Well, that is why you do not have poor people in the State hospitals.

I went up to New Hampshire, as well as Maine, and what we did on a Saturday afternoon in Rochester was feed the hungry. There are 11 churches in Rochester, NH. So my wife and I went to feed the hungry, and 90 percent of the hungry were mentally ill. They belong in an institution. You know how they got them out on the street? They refused to approve at the governmental level in Concord, NH, beds for hospitals. So they just put out an executive order—no beds and no hospi-

tals, and they have "solved" their health problem.

So I go around and meet them in the bread lines on Saturday afternoon.

It is a tragedy in this country.

And you have no Space Program. You are barely cutting and pasting to keep it alive. You have no Housing Program. They are sleeping on the grates as you and I go home. You have no Education Program. They have cut education. They tried to abolish the Department. Now they all want to be the "education president."

And you can go right on down the list.

(Mr. SHELBY assumed the chair.)

Mr. HOLLINGS. Admiral Yost of the Coast Guard said "You cut me \$100 million. I am tying up ships. I will have less enforcement. I will have fewer drug cases. I will have less search and rescue from the Coast Guard this year because you have cut me."

Little Steve Forbes comes in with Radio Free Europe, "I've got to close down Radio Free Europe in Munich in August because I have run out of money. You cut me 40 million bucks."

Oh, were we not sensible?

He said, "I fired the people. It cost me more in Germany, incidentally, to fire them than to keep them on the payroll."

So he kept them and we did not get the supplemental bill like people of common sense. We did not get the emergency supplemental bill. We got the dire emergency supplemental bill and gave ourselves a good government award then for this cost to Government. We are really brave. We took the courage, and it is a dire emergency supplemental bill.

This thing is all Hollywood East, all "applesauce" as Will Rogers said, all politics. It has gone to pot, and Senators will not come and they will not debate.

They wanted the time. We could have voted on textiles right now. But they wanted to debate. But they do not want to hear the great issue.

Of course, the first problem we have, Mr. President, is the problem you and I heard on our trip to the Far East in August.

If I talked to the Foreign Minister, and I did, in Korea, after a short conversation all he said, "Senator, what about the economy back in the United States?"

I said, "I am glad to hear you are worried about it. I have been worried but I cannot get a majority to worry about it."

I went over to the Blue House with President Ro, and I met with him the year before his election and we became friends, and before long I had over a 1 hour and 15 minute talk with President Ro, and he looked at me and said, "Well, Senator, what about that deficit in your economy?"

They are worried. They know this thing cannot go on. I mean reasonable, sane, and prudent people have to wake up.

John F. Kennedy wrote the book "While England Slept." We can write a book now "While America Slept," here almost 50 years later, fast asleep with respect to the trade competition, call it war or whatever else.

Down in Indonesia, in Thailand, in Taiwan, the leaders wondered about our economy. The people in the Pacific rim are realists and they are not getting by with anything. They know that somehow or the other it has to be reconciled because in this country we do not know about industrial competition.

You cannot have any political power or military power unless you have economic power, and this cannot continue. That is the big worry.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF NICHOLAS F. BRADY

Mr. BYRD. Mr. President, with the Republican leader on the floor at this moment, I ask unanimous consent that today at 1 o'clock the Senate go into executive session to consider the nomination of Nicholas F. Brady, of New Jersey, to be Secretary of the Treasury; that there be a 30-minute time limitation on the debate to be equally divided between Mr. MOYNIHAN and Mr. PACKWOOD; that the vote begin at 1:30 p.m. on the nomination and it be a 1-hour vote, to close at 2:30 p.m.; and that upon the disposition of the nomination the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader, and I thank all Senators.

Mr. President, I ask unanimous consent, as in executive session, for the yeas and nays on the nomination.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I again thank all Senators.

REMEDIES FOR THE U.S. TEXTILE AND APPAREL INDUSTRIES

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, I commend the distinguished Senator from South Carolina for the leader-

ship and the foresight, the tenacity, and the persuasiveness with which he has pursued this legislation. It has been a pleasure, indeed an honor to have worked with him on it, and to have observed daily his commitment to the cause of the hundreds of thousands of Americans who earn their living in textile and footwear industries. They all, and I believe we all, owe a great debt of gratitude to the distinguished Senator from South Carolina, and I just want him to know that we are very grateful for all that he has done on the legislation and we look forward to its enactment.

Mr. HOLLINGS. I thank my distinguished colleague.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank the distinguished colleague from Maine. He is a leader on environmental issues, and now he is the voice of our conscience. I also commend Senator MITCHELL on his leadership with respect to the shoe industry in our Nation and the leadership he has given in the adoption of our textile-footwear bill.

Mr. President, I refer my colleagues to the September 3, 1980's Economist lead editorial. In the education of a politician, I find this a very valuable document.

I ask unanimous consent that the editorial in September 3, 1980's Economist entitled "The Shape of Europe's Trade" be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Economist, Sept. 3, 1988]

THE SHAPE OF EUROPE'S TRADE

From within their newly armoured siege-towers, the Americans watch Europe's masterbuilders at work. Surely they are building a fortress? No, say the Europeans, by 1992 we will have created a great market whose wide avenues will be open to fair-minded traders from every land. The watchers are not convinced. They note that Europe's masons hold their plans close to their chests. They watch brick after protectionist brick—an anti-dumping suit and a reciprocity clause here, a local-content rule there—being added to Europe's agricultural earthworks. Soon the taunts fly as never before, with both sides prophesying war.

The medieval image would be quaint if it were not so sad. Much of the world is in the middle of a heartening phase of enthusiasm for unfettered markets. The greatest pretext for trade complaints—Japan's relentless dependence on exports for economic growth—has been suddenly and substantially diminished. Governments have started a round of GATT talks that are supposed to get modern protectionist tricks under control and extend the benefits of undistorted, multilateral trade to services and agriculture. Now a transatlantic shouting-match threatens to ruin them.

The American watchers are not blameless. Whatever the stated beliefs of President Reagan, his administration has put many

more trade restrictions in place than President Carter's did. Its use of anti-dumping actions and countervailing duties against supposed subsidies has, while declining, been far heavier than that by Europe. The latest American trade bill is not the monster that was once feared, but it still threatens copious "protectionism-by-investigation", akin to a trader having his premises constantly searched by the authorities. It became law because President Reagan let a lot of protectionist nonsense slip through while venting his spleen on a relatively benign clause to do with factory closures.

FROM THE FOLKS WHO GAVE YOU THE CAP

But nor can the American watchers be blamed for doubting Europe's intentions as it builds an internal market of American scale. The main existing pan-European construction—the common agricultural policy—relies on massive trade-distortion to support the incomes of Europe's farmers. It has become such a part of Europe's political landscape that it is virtually non-negotiable in the GATT talks on farm trade. The risk is that project 1992 could end up creating a common industrial policy, as ugly as its country cousin. Individual EEC countries now realise that they will have to make traumatic concessions of sovereignty to put the mighty market together.

It is tempting for the European Commission to overcome their reluctance with "transitional" European protectionism. Later, the commission will explain that these measures must, alas, remain permanent because of the weight of political interest vested in them.

Implicit in such buying-off is the preference given to producers over consumers in the new Europe. Big European companies were early champions of the idea of a unified market; they felt they needed wider, less red-taped horizons than their individual home markets could provide. The world market? No: a big sheltered European market was what they had in mind, and that is what they are now demanding. Consumers, who want to buy the best and the cheapest from anywhere in the world, have had too small a say.

Too many Europeans already take it as read that access to their sheltered market by foreign companies will be a privilege that has to be paid for. Mr. Willy de Clercq, the European trade commissioner, has made it clear that in demanding such reciprocity "we will have to pursue a symmetry not so much in the legal equivalence of conditions of access to markets, but rather an equivalence in their economic effects". In other words, the playing field will not be considered level until the same number of goals are being scored at each end.

The reciprocity argument threatens to crop up whenever the EEC negotiates a directive (European law) that is vital to 1992. The draft directive allowing banks to spread unhindered across the EEC will not, as it stands, extend this right to foreign banks unless all EEC countries are happy that they can open banks in the foreign country in question. The directive calling for Europe-wide openness in government purchasing could exclude foreign-owned companies based in Europe, unless their home governments buy from foreigners too.

Officials at the Brussels commission explain, sincerely, that they do not want to create an internal market that is more protectionist than its component parts. Their aim is only to find a happy Euro-compromise between the levels of national protection that already exist, whether it be for im-

ports of Japanese cars or of American television programmes. The danger is that such compromise leads to a levelling up of the ramparts rather than a levelling down. The banking reciprocity clause, for instance, is at first sight no more than a clause borrowed from Britain's Banking Act; but it will be a much nastier weapon when wielded by countries that have no liberal tradition of trade in financial services.

The main problem is that the new Europe's trade policy is being improvised as a footnote to the creation of the 1992 internal market. The commission says that a statement of guiding principles would be a hostage to fortune, and extremely difficult to agree upon: it is hard enough putting the bricks in place one by one. But the improvising leaves America, Japan and others with no option but constant mistrust, vigilance and complaint, lest trade abuses peculiar to this or that country today become part of European law tomorrow. Since these critics are themselves no trading angels, their complaints prompt counter-accusations, and the rocks fly.

The unhappy paradox is that project 1992 is, in European terms, a grand gesture of deregulation and economic liberalism, while to the world outside it appears a fortress blocking the way towards improvements in the rules of world trade. One of the aims of this GATT round is to stop the spread of "voluntary restraint agreements" (VRAs) between countries by encouraging use of a modified GATT safeguard clause. That aim will misfire if the EEC replaces national VRAs, like those limiting imports of Japanese cars, with some sort of pan-European ones.

Before December, when the half-time review of this GATT round takes place, Europe's masterbuilders must clarify their trading intentions. They should say they are willing to look for specific import relief under the GATT, rather than through VRAs, provided that a GATT safeguards system can be devised. And they should not write demands for bilateral reciprocity into European law; if they are unwise enough to want any reciprocity, at least keep it informal. Otherwise Europe's trade with the rest of the world could become an affair of keeps, sappers, petards, bombs and hot oil—with the main misery reserved for those inside the citadel.

Mr. HOLLINGS. I do not want to bore the colleagues by reading it in its entirety. It is there in the RECORD. It states,

From within their newly armoured siege towers the Americans watch Europe's masterbuilders at work. Surely they are building a fortress? No, say the Europeans, by 1992 we will have created a great market whose wide avenues will be open to fair-minded traders from every land. The watchers are not convinced.

I just want to emphasize, "fair-minded traders." Who is a fair-minded trader?

If I can get a dollar for product X, I will take a dollar. If I can get \$500, I will take \$500. And if you are stupid enough to give me \$5,000, I will take \$5,000 for it.

Yet the Economist comes up with this nebulous baffle about "fair-minded." They want fair trade so they say they are open to "fair-minded traders from every land." If you are the custodian of the economic survival of

your country, you operate in your country's interests. Period. There is no "fair-minded." That is juvenile. We can all agree if we had free trade the world around, it would be in this country's interests to have free trade. And that is what we had in the past, and we set the example. We were big, fat, rich, and happy. We set the example with the Marshall plan.

We said, well, we will lose some of our market, but we have got so much. After all, you cannot be a hog. So we gave up part of the markets voluntarily. We all knew it.

Now it has become politically taboo to try to protect the remainder of our shrinking market share. That is the silly nonsense we have gotten into.

We ought to understand human nature better. They are calling for "fair-minded traders." I mean, look at the world economy. Brother, all of them are thieves.

That is why American Express is doing so well: Don't leave home without it. You must get American Express checks. For heaven's sakes. The message is, "You will have your pockets picked the world around if you travel." They made a business out of it. So much for "fair-minded traders."

The Economist continues:

The watchers are not convinced. They note that Europe's masons hold their plans close to their chests. They watch, brick after protectionist brick—an antidumping suit and a reciprocity clause here, a local-content rule there—being added to Europe's agricultural earthworks. Soon the taunts fly as never before, with both sides prophesying war.

Wake up, Economist, the war is on. It has been going on for 30 years.

They are still in that ivory tower, saying we should prevent the war. We tried it for the past 45 years and we are broke. I cannot wake them up around this Congress to realize that their country is broke. Who believes the nonsense about a U.S. economic miracle? Every family knows they have been spending too much. They have not been saving. They are over-extended on their credit cards, their home payments. They are not able to save anything and we are all whistling past the graveyard.

Politically, all hope we can get past November 8, Election Day. And economically we hope at least we can get by for another year until we can begin, in the first of 1989, to patch this up with a value-added tax or some other measure of constraint and sacrifice which are necessary.

John F. Kennedy said: "I present you a program not of promises, but of challenges."

He said: "It is not what I am going to give the American people. I am going to ask of the American people."

I can hear him now. That is how he got elected. But we all run 28 years later, on the platform of what we are

going to give away, and that is how we get reelected.

It is time for sacrifice and it is time for sobriety. Listen to this: "Implicit in such buying off is the preference given to producers over consumers in the new Europe."

Whoopee.

"Implicit in such buying off is the preference given to producers over consumers." The market will take care of consumers. The Government must take care of producers. No Government was ever organized to get everybody something for a cheap price. The market does that. Do not get confused, Economist.

When I swear to protect and preserve the economy, I mean to do it. I do not mean protect and preserve consumers to give them a cheap price. The free market does that. I am supposed to protect the production base of my Nation.

I believed in that oil import quota back in 1955. We put it in because we had learned from the history of World War I that England had all the ships but they did not have the oil. Similarly, our defense depends on a domestic source of fuel for the Air Force, and the Navy, as well as the Army.

The Economist writes that, "Big European companies were early champions of the idea of a unified market; they felt they needed wider, less red-taped horizons than their individual home markets could provide. The world market? No: A big sheltered European market was what they had in mind, and that is what they are now demanding."

Certainly that is what they are demanding because that is what the competition demands.

Reading on: "Too many Europeans already take it as read that access to their sheltered market by foreign companies will be a privilege that has to be paid for. Mr. Willy de Clercq, the European Trade Commissioner, has made it clear that in demanding such reciprocity 'we will have to pursue a symmetry not so much in the legal equivalence of conditions of access to markets, but rather an equivalence in their economic effects.'"

That is exactly what Ricardo was talking about, not the equivalence in legal measures, necessarily, but comparative advantage. You have a different productivity and a different advantage, a different climate, a different investment. Today, unfortunately or fortunately, you can invest and do what you want regardless of climate, machinery, resources, or whatever. You can make anything anywhere.

Really, de Clercq is only repeating what Ricardo said back in 1927: "The reciprocity argument threatens to crop up whenever the EEC negotiates a directive that is vital to 1992." It should. Reciprocal free trade; you live in the real world. We want peace, but

you cannot direct your policies from the vantage point or disadvantage point that you already have it.

"The best way to preserve the peace is to prepare for war," said George Washington, our Founding Father, and that is how we maintained the peace for 45 years because we had nuclear as a deterrent. Reciprocity, when it is to my economic advantage to deal with you, swap whatever it is, dollars for products or products for products, you do so. Lyndon Johnson knew how to do it. As a politician, he went to New Zealand. He said: "I think we can take some of your lamb."

They said: "Fine, we think we can send some troops to Vietnam."

Now we have people running around the world saying we are not going to have any linkage between the economy and our foreign policy. Can you imagine such a thing? The best foreign policy is one of linkage.

If you want to really develop a foreign policy for this hemisphere, take advantage of our trade leverage. President Eisenhower had his Operation Pan America. Under JFK, we had the Alliance for Progress. Now we have the Caribbean Basin Initiative. What have we accomplished. Very little.

I offer an alternative. Consider that they had, say, 28,000 high school graduates in Panama this past June with no place to go, no business. They have the talent, they have the will, but they do not have the economic opportunity. All the aid we send goes to the leaders of these countries, and the leaders stash it away in a Miami bank account, and it does not get to the hungry and poor. They do not want a middle class to develop because it would take over if they got a truly free election.

They have never developed a middle class. The strength of a free nation depends upon its middle class. The point is that if you do not have a piece of the action, an interest in the economy and in the community, then why not join the revolution? If you have been poor, your family has been poor, generation in, generation out, you cannot get out of the system, then at least you can revolt.

We can forestall that with a trade policy. If we globalized our quotas like we are asking for in this bill, I can take 10 percent of the textiles away from the People's Republic of China. I am not trying to develop China. I am trying to develop the free Western Hemisphere. I can take 10 percent from Hong Kong. If we go to war, there is not going to be a Hong Kong Army defending us in the Pacific or here or anywhere. They do not have an army. Take 10 percent of the textiles in Korea. They are doing well now. They are making weaponry. Take quotas from Taiwan. Then reassign all those quotas to Latin America where they are desperate for economic development.

Then get your Peace Corps from the Harvard Business School and the business school at Austin, TX, and around the country and let the Peace Corpsmen go down there and set up businesses. You have the talent in the high school graduates. We can set up the business and give them the market, and there is no impact on employment in the United States of America.

You build up a middle class. After doing that for 15 years or so, you will find a middle class developed, and they will have free elections.

Instead, we go around like the Arias plan, "I'm for peace and let's have a free election," and what do you get? You get the Marxists cleaning your clock, a total takeover in Nicaragua, and we wonder why.

How do you give peace a chance? By gosh, give them some bread in their mouths. That is how you give peace a chance. Build up a middle class, get a trade policy. Have linkage. You do have the richest market in the world. You might as well take advantage of it.

We are not any smarter than the Japanese or the Chinese or the Germans or the British or anybody else. People are smart the world over. So this intellectual arrogance we have around here: "give them textiles and shoes, they are low skill, and we will make the computers and the airplanes," I heard that 30 years ago. Now they are making the computers and they are making the airplanes. I am not even going to be able to hold onto my shoes and my textiles. There has been a debate on trade policy from the start. We have been into this and nobody is listening and. The newspapers will not listen because they are paid off by the retailers. They accused me of being paid off. I do the same to them. They are paid off. They do not have any competition. There is a monopoly of the newspapers really in this town. The Washington Times really is struggling. There is a monopoly in my town and in Columbia, SC, and in Greenville and Birmingham. They are sitting around on their monopolistic duffs with no imports. We do not import newspapers or politicians. It is grand for us to sit around and tell business people how to get competitive when we ourselves are not subject to imports. Newspapers are not subject to imports but they think they know all about the import market.

We can develop really the undeveloped world through a studied trade policy, following the lead of the European Economic Community that put in globalized quotas on textiles. They have globalization down in Australia and down in New Zealand. They have learned how to set themselves up and protect their economies, their industrial backbone. Similarly here, we can do

that and have a stated policy and be very generous. I am willing to agree that up until now we have been wealthy and we can concede a majority of the market—not only give them a majority of the market, give them every bit of the growth as we grow in population and consumption in this country, give it all to the offshore producers. What is more generous than that in order to have a stated policy to maintain and retain some market share? And the others coming in will keep it as competitive as can be if the retailers give it a chance and do not price the imported and the domestically-manufactured product at the same price.

So there is a good trade policy that would produce better results in foreign policy than all the bluff and bluster that we are going to "invade Nicaragua" and "blockade Cuba." We should have learned you cannot bluff and bluster in Vietnam.

So having learned that lesson, let us use the tools that we have, linking our economy to our foreign policy, building up a Latin middle class so that we can have free elections and self-determination in Latin America.

Now, Mr. President, a concluding thought about trade policy. We need a trade czar, someone who understands it. I have said, and I will say it again, I would withdraw this textile-footwear bill if they gave me a trade council to coordinate and truly enforce. We do not enforce our antidumping laws. We do not enforce the subsidy provision. I can go down provision after provision that has been adulterated or distorted by administration after administration, Republican and Democrat alike. They have never come to understand. All they think of is defense, all they think of is foreign policy and political votes.

The Japanese lobbyists and lawyers have access. They get right into the White House, the Cabinet. They beat us on the head with all of their slick brochures and editorials if we dare try to fashion a reasoned trade policy and a preservation of the market share that we deserve.

I cannot, on the one hand, require an industry to have unemployment compensation, Social Security, minimum wage, clear air, clean water, safe machinery, a safe working place, and, on the other hand, say go ahead and compete with that fellow I saw on TV early this morning who works 11 hours a day, 6 days a week for less than \$10,000 a year. That is not the American standard that I as a politician, Republican and Democrat, have set.

Now, If I am going to set the high standard, I ought to have the decency and the honesty to protect that standard of living and to protect our capacity to continue as a world power our industrial backbone. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will not go into executive session to consider the nomination of Nicholas F. Brady to be Secretary of the Treasury.

Debate on the nomination is limited to 30 minutes, equally divided and controlled by Senator MOYNIHAN and Senator PACKWOOD.

DEPARTMENT OF THE TREASURY

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Nicholas F. Brady, of New Jersey, to be Secretary of the Treasury.

Mr. MOYNIHAN. Mr. President, out of deference for my esteemed and learned colleague and long associate on the Finance Committee, Senator BOB PACKWOOD, chairman emeritus—whose party, of course, is in office in the executive branch—I wish that the opening statement on this nomination be made by the distinguished Senator from Oregon.

Mr. PACKWOOD. I thank my good friend from New York.

Mr. President, there are few nominations that give me greater pleasure than that of Nick Brady, to be Secretary of the Treasury. To all of us who have served with him in the Senate and to many people who have not served with him, this is a man whose reputation for integrity and competence is probably without peer. All of us who knew him when he served here for a short time, when he was appointed because of a vacancy and did not run for reelection, came to appreciate him, without exception.

He chose not to run in 1982 and went back to Dillon, Read, where he has been since 1954, Dillon, Read, being a significant brokerage house. He is the chairman and a managing director of Dillon, Read.

One might think to oneself that that, in and of itself, would be sufficient qualifications to be Secretary, and it probably would be. But Nick Brady has qualifications that go far beyond that.

He served in the Senate for a short period of time in 1982, where he was a member of the Armed Services Committee and the Committee on Banking, Housing, and Urban Affairs. Since

he left the Senate in 1982, he has served on the President's Commission on Executive, Legislative and Judicial Salaries, the President's Commission on Strategic Forces, the National Bipartisan Commission on Central America, the Commission on Security and Economic Assistance, and the Blue Ribbon Commission on Defense Management. Most recently, he chaired the President's Task Force on Market Mechanisms, which was appointed shortly after the tremendous fall in the stock market last October.

Nick Brady is also a trustee of Rockefeller University. He serves currently as trustee of Rockefeller University, is a member of the board of the Council on Foreign Relations, and serves on the board of the Economic Club of New York.

He is clearly committed to continuing the policies that have so wisely produced 17 million new jobs in the last 6 years, brought our tax rates to the lowest level in 50 years, and has pledged an extension of those policies which have served this country well. I do not envy him in his task.

Normally, if we were voting on a position in the last 3 or 4 months of an administration, we would say: "What difference does it make? He can be appointed Acting Secretary. If Vice President BUSH is going to win, many of these people will continue."

However, in the case of the Secretary of the Treasury, he has to deal with many of his peers throughout the world, people who have served in longstanding capacities as Foreign Ministers or the equivalent of Foreign Ministers and Treasury Secretaries; and if we did not confirm the nomination of Nick Brady, he would go with a bit of a cloud over his head to some important national meetings that are due to start taking place immediately.

So, nothing could serve the Senate, Congress, or the country more than to give Nick Brady a unanimous vote of approval and send him on his way in the last few months of this administration with our blessings and our good wishes in one of the most difficult jobs that exist in Government.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from New York.

Mr. MOYNIHAN. Madam President, I should like to associate myself with the remarks of my esteemed friend, the former chairman of the Committee on Finance and the ranking member today.

I should like to observe that the precedent for the Managing Director of Dillon, Read being qualified to be Secretary of the Treasury was, I suppose, commenced by Mr. Dillon of Dillon, Read—C. Douglas Dillon—a good friend of both of ours, who served in the Eisenhower administration and the Kennedy administration.

Were he asked, I cannot doubt that he would serve the Reagan administration and the Bush or the Dukakis administration.

It is entirely the case that during the period when Mr. Brady served in the Senate, he impressed all of us with his sense of the elemental importance of integrity and trust and probity in our dealings. It has been said often that trust is the coin of this realm, and we trust Nick Brady, and the world should know that we do.

We are going to go through a somewhat unusual exercise, meaning no disrespect to other appointments that are now going through in the remaining months of an administration. These have been fine persons who have come to us, but it has been our practice simply to approve them by unanimous consent. We are not going to do that today. We are going to vote, and we want a unanimous rollcall vote.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. MOYNIHAN. I wanted to make certain of that.

I should like to make two points: First, an extension of the remarks about the qualities of our soon-to-be Secretary. When he left the Senate, it is worth recording, because it is important to the life of the Republic and to our institution, that he wanted to leave something behind; and he proceeded forthwith to revive what is probably the most important and significant architectural or sculptural—I do not know how exactly to say it—exercise and enterprise on Capitol Hill in memory.

The great American sculptor, Alexander Calder, designed a stabile and mobile called "Mountains and Clouds," one staying on the ground and the other hanging from the Atrium of our new Senate Office Building. It was the last work he did. As a matter of fact, he was in Washington to work a little on the model, and he went back to New York, and died that evening. So it is more than just one of Calder's great works.

However, we had decided that we could not afford it. Nicholas Brady decided that the new office building could not do without it, nor could the American people do without it. And on his own, he raised the funds for its fabrication and its emplacement.

It is indeed an extraordinary event, which perhaps not enough visitors to Washington know about. There is no equal in size in the world, and there is only one place you can see it, and that is in the new Senate office building, and anybody who might be watching us today is welcome to do so.

Yesterday at our hearing, Mr. Brady, I think intelligently, gave no commitments about his policies, save that he would continue in general the present policies. But he was asked at some length about matters of the deficit, and I particularly asked him about the questions of the surpluses of the Social Security Trust Funds which were put in place by the Social Security Amendments of 1983.

Now this seems an arcane and difficult subject. The current issue of *Fortune* magazine likens it to the issue of black holes and other exotica of the physicists which no one but physicists can understand. It is not that at all. But it is a new subject.

In the history of public finance the question of how we deal with Social Security surpluses has never had to be addressed because simply they never existed and it was our policy that they not exist. We were on a pay-as-you-go basis and each year took in enough to pay what we paid out, with a little surplus, for a cushion, in the event of a downturn in the economy.

In 1983, following from the legislation in 1977, which Senator PACKWOOD would well remember, we went to a partially funded system. Canada did that in 1966 and it has changed their public finances, and it has quite transformed them.

The numbers for the moment at least are fairly easy to keep in mind. In the next 30 years, we will have \$3 trillion more cash coming into the system than is paid out for benefits.

The central issue of public policy, in those 30 years as far as this Senator is concerned, is what do we do with that \$3 trillion.

To get a sense of it, Madam President, we may refer to the New York Stock Exchange, which Mr. Brady so ably investigated for us recently. If you sold the stock of every company listed on the New York Stock Exchange you would raise \$2.3 trillion. The Social Security surpluses are \$3 trillion. They will be more than the value of most of the major firms in the country.

Mr. Brady listened with care and thoughtfulness to the questions on this matter yesterday, and I hope he will address them further.

Just to make that point, I called his attention to the recent Congressional Budget Office forecast which shows that the deficits keep going up through fiscal year 1994, in terms of the onbudget deficit. It rises to \$234 billion, a quarter of a trillion in fiscal year 1994. But the total deficit, the deficit that is most frequently cited, will be kept at half that level because of the surpluses in the trust fund.

But if we use those surpluses just to disguise ongoing expenditures we cannot use them for savings and investment. That seems to be elemental and important.

At this point, Madam President, just because I mentioned them in yesterday's hearing, I will ask that two tables be printed in the *RECORD*. First, the CBO projections which show the difference between the onbudget deficit and the total deficit, the latter includes the Social Security surpluses. A second table shows the size of the trust funds surpluses over the next 30 years. The trust funds increase to much higher levels than \$3 trillion, but those higher levels represent interest accrued by the \$3 trillion. Three trillion dollars is what you get in cash.

I ask unanimous consent that those tables be printed in the *RECORD*.

There being no objection, the tables were ordered to be printed in the *RECORD*, as follows:

SUMMARY TABLE 1.—BASELINE DEFICIT PROJECTIONS AND TARGETS

(By fiscal year)

	Actual 1987	Estimate 1988	Projections					
			1989	1990	1991	1992	1993	1994
In billions of dollars								
Baseline projections:								
On-budget deficit	170	194	199	199	206	212	220	234
Off-budget surplus ¹	20	39	52	63	74	86	99	113
Total deficit	150	155	148	136	131	126	121	121
Deficit targets	(*)	144	136	100	64	28	0	(*)
As a percentage of GNP								
Baseline projections:								
On-budget deficit	3.8	4.1	3.9	3.7	3.6	3.4	3.3	3.3
Off-budget surplus ¹	0.4	0.8	1.0	1.2	1.3	1.4	1.5	1.6
Total deficit	3.4	3.2	2.9	2.5	2.3	2.0	1.8	1.7

SUMMARY TABLE 1.—BASELINE DEFICIT PROJECTIONS AND TARGETS—Continued

	Actual 1987	Estimate 1988	Projections					
			1989	1990	1991	1992	1993	1994
Deficit targets	(*)	3.0	2.7	1.8	1.1	0.5	0	(*)

* Social Security (Old-Age and Survivors Insurance and Disability Insurance Trust Funds).

* The Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 established targets for 1988 through 1993.

Source: Congressional Budget Office, the Economic and Budget Outlook: An Update, August 1988.

PROJECTED INCREASE IN TRUST FUNDS ¹

(In billions of dollars)

	Net increase			Cumulative net increase		
	Total	Interest	Principal	Total	Interest	Principal
1988	40	8	32	40	8	32
1989	45	12	34	85	20	65
1990	57	16	41	143	36	107
1991	65	21	44	208	57	151
1992	75	27	48	283	84	199
1993	86	33	54	369	117	253
1994	98	38	59	467	155	312
1995	110	45	65	577	200	377
1996	123	52	71	700	252	448
1997	137	59	78	836	310	526
1998	152	67	85	988	377	611
1999	168	75	93	1,156	452	704
2000	185	84	101	1,341	536	805
2001	202	92	110	1,543	628	915
2002	220	101	119	1,763	730	1,034
2003	243	115	128	2,006	844	1,162
2004	267	130	137	2,273	974	1,298
2005	291	146	145	2,564	1,121	1,443
2006	317	164	152	2,880	1,285	1,595
2007	342	184	159	3,223	1,469	1,754
2008	367	205	162	3,589	1,673	1,916
2009	390	227	163	3,980	1,900	2,080
2010	412	250	162	4,392	2,151	2,241
2011	432	275	156	4,823	2,426	2,398
2012	449	301	147	5,272	2,727	2,545
2013	464	328	136	5,736	3,055	2,681
2014	475	356	120	6,212	3,411	2,801
2015	483	384	99	6,694	3,794	2,900
2016	485	412	73	7,179	4,207	2,973
2017	483	441	42	7,662	4,647	3,015
2018	477	469	8	8,139	5,116	3,023

¹ Projected net increase in the combined Old-Age and Survivors Insurance (OASI) and Disability Insurance (DI) Trust Funds, based on alternative II-B of the 1988 Trustees Report, calendar years 1988-2032. Alternative II-B of the 1988 Trustees Report refers to one of four sets of economic assumptions. Assumptions I and III refer to "optimistic" and "pessimistic" assumptions, respectively. Assumptions II-A and II-B are intermediate assumptions: II-B is the less optimistic of the two.

Source: Office of the Actuary, Social Security Administration, Baltimore, MD (August 1988).

Mr. MOYNIHAN. With that, Madam President, I yield the floor.

I see our distinguished Senator from North Dakota is present.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. MOYNIHAN. May I just interrupt the distinguished Senator from North Dakota to ask would he be agreeable since we are equally divided that I yield him 3 minutes?

Mr. CONRAD. If I could ask for 5 minutes.

Mr. PACKWOOD. I will yield 5 minutes.

The PRESIDING OFFICER. The Chair would like to advise the distinguished Senator from New York he has approximately 4 minutes and 30 seconds. The distinguished Senator from Oregon representing that side of the aisle has 11 minutes and 35 seconds.

Who yields time?

Mr. MOYNIHAN. I will yield the remainder of my time to the Senator from North Dakota.

The distinguished Senator from Mississippi is on the floor and will want to speak as notified and we are very

happy to see him here and we welcome him.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I arose this morning to see a story in the Washington Post that involves Nicholas Brady entitled "U.S. Deficits Downplayed by Brady."

The lead paragraph reads "Nicholas F. Brady, President Reagan's nominee for Treasury Secretary, minimized the importance of the Federal budget deficit, the trade deficit, financial market gyrations and a host of other economic problems yesterday. He said the United States is growing out of its twin deficits and can continue to do so."

Madam President, I am moved to ask when the hoax will end? The crowd that has presided over a tripling of the national debt, a sixfold increase in the trade deficit, and a plunge in this Nation's international debt status from being the largest creditor nation in the world to being the largest debtor nation in the world, now says, "Well, it really does not matter."

It really does matter. There are consequences to piling debt on top of debt

and deficits on top of deficits and the proof is overwhelming.

Madam President, in the Washington Post last Thursday there was a story entitled "Scientists Warn of U.S. Reliance on Foreigners." That story told an interesting tale.

It told about products that the United States pioneered—phonographs, color televisions, audio tape recorders, video cassettes, ball bearings and telephone sets—and traced what has happened to U.S. companies' market share from 1970 until today.

This tells part of the story of the consequences of not paying attention to debt and deficits.

Phonographs—in 1970, the United States had 90 percent of the domestic market; today, zero. Color televisions—in 1970, U.S. companies had 90 percent of the domestic American market; today, 10 percent. Audio tape recorders—in 1970, we had 40 percent of the domestic market; today, zero. Video cassettes—we had 10 percent; today, zero. Ball bearings—we had 90 percent of the domestic market; today, 70 percent. Telephone sets—in 1970, U.S. companies had 100 percent of the domestic market; today, 25 percent.

The story repeats itself in the steel industry, in the automobile industry, and in the computer industry.

When are we going to wake up? We have a Presidential campaign going on now that talks about national security. Every night on the news we hear about national security.

The root of national security is in economic security and we are seeing the base of our economic strength being eroded by a policy that allows debt on top of debt, deficits on top of deficits and no one says a word.

Now Mr. Brady who is put before us as the nominee of the President to be the Secretary of Treasury says, "Well, don't worry about the deficits. We are going to grow out of them. Everything is fine."

Madam President, the truth is different and the truth will win out.

I have a table that we received yesterday in a meeting of the Senate deficit reduction caucus that shows what happens if you look at the deficit not only in terms of the on-budget deficit but also in terms of what happens in relationship to the Social Security Trust Fund and the other retirement accounts, and the picture that emerges, Madam President, is quite different.

The real operating deficit of this country is growing, not declining. It is time to pay attention to that because, if we do not, there are real world consequences. It is time for this country to pay attention to those real world consequences.

I was disappointed that Mr. Brady was telling the country, "Well, we really do not need to worry; it really does not make any difference," because it does make a difference.

It is time for our country to reexamine where we are headed and to pay attention to the debt and the deficits, because they threaten, in a very real way, the economic and the national security of this country.

Madam President, I ask unanimous consent that two articles from the Washington Post and tables relating to the budget be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 14, 1988]

U.S. DEFICITS DOWNPLAYED BY BRADY—SENATE PANEL APPROVES NOMINEE FOR TREASURY

(By Paul Blustein and Hobart Rowen)

Nicholas F. Brady, President Reagan's nominee for Treasury secretary, minimized the importance of the federal budget deficit, the trade deficit, financial market gyrations and a host of other economic problems yesterday. He said the United States is growing out of its twin deficits and can continue to do so.

Brady also stepped away from the recommendations on stock market reform that were presented this year by a presidential commission he chaired. Asked whether he

would try to implement the panel's proposals, which were largely rejected by the White House, Brady said he is "not sure we were 100 percent right."

Brady's comments came at a Senate Finance Committee hearing to consider his nomination. The panel later voted, 15-0, to recommend his nomination to the full Senate, which could act as early as today.

His remarks on the budget deficit reflected a degree of optimism about the government's fiscal situation that seemed to hark back to the early days of the Reagan administration, when some officials promised that budget deficits soon would disappear. Brady's assertions appeared likely to draw criticism from Democrats—indeed, some Democratic Senators took issue with him yesterday—and opened up the possibility of complaints from U.S. economic allies.

Brady said he didn't mean to leave the impression that the \$150 billion budget deficit should be "countenanced," but he repeatedly asserted that its significance has diminished as the economy has grown. The United States, he said, "has the ability to withstand" the debt it must carry to finance the deficit, because "the whole world is bigger now. Transactions take place in the billions now that used to be in the millions."

As for the trade deficit, he predicted it would decline much faster than expected in the next few years because U.S. companies are better able to compete internationally with a cheaper dollar.

As expected, Brady vowed to continue Reagan administration policy in such key areas as international efforts to stabilize currencies. But more important, yesterday's hearing suggested that if Brady becomes Treasury secretary in a Bush administration—a position he is expected to assume if the Republican nominee wins the presidency—he may refrain from advancing bold steps to remedy the "twin deficits" that worry many mainstream economists.

Even on the subject on which he is identified as a reformer—the stock market—Brady struck a relaxed attitude, saying that "in the main," the necessary steps have been taken to avert another stock market crash.

Brady's comments marked a retreat from the recommendations of the five-member Brady Commission, which was appointed by Reagan in the wake of the Oct. 19, 1987, market collapse and which urged the adoption of sweeping measures to dampen volatility in securities prices. He applauded steps by the New York Stock Exchange and Chicago Mercantile Exchange to introduce "circuit-breaker" mechanisms aimed at interrupting sharp fluctuations in market prices, and said he would favor the adoption of similar reforms by the over-the-counter stock market.

But he indicated no regret over the fact that many of the panel's suggestions have been shelved, observing that the panel "only had 60 days" to draft its report. "I think we're about on the right course" in managing market swings, he said.

Brady, an investment banker who briefly represented New Jersey in the Senate, was treated at the hearing with the warmth typically accorded a former colleague. But Democratic senators argued yesterday that Brady was taking too rosy a view of the budget problem.

Brady said: "I do believe that we can grow our way out" of the budget deficit. He said "the figure we should be looking at" is the deficit as a percentage of gross national product, the nation's total output of goods

and services. The deficit, which reached a record 6.3 percent of GNP in fiscal 1983, absorbed 3.4 percent of GNP in fiscal 1987.

But Sen. Daniel P. Moynihan (D-N.Y.) contended that the deficit is declining largely because of a huge and growing surplus in the Social Security trust fund. That surplus shouldn't be counted as genuine deficit reduction, Moynihan asserted, because the money will be needed in the early years of the next century to finance retirement benefits for the baby-boom generation.

"I can only tell you that I wish the progress [in cutting the deficit] were faster," Brady replied. "But I think the efforts are in the right direction. I think if we keep battling away at it we'll get there."

Brady's upbeat view of the deficit may draw some skepticism from U.S. trading partners, who contend that the budget gap is a serious contributor to world trade imbalances. If confirmed, Brady is scheduled to meet next week in West Berlin with officials of the Group of Seven industrial countries, and immediately thereafter he is slated to represent the United States at the annual meeting of the International Monetary Fund and World Bank.

[From the Washington Post, Sept. 8, 1988]

SCIENTIST WARNS OF U.S. RELIANCE ON FOREIGNERS—EX-FOUNDATION CHIEF CALLS DEPENDENCE ON IMPORTED TALENT OMINOUS

(By Malcolm Gladwell)

The United States is suffering from an "ominous" dependence on foreign professors and researchers in its higher education and research efforts, former National Science Foundation chairman Roland W. Schmitt told a meeting of the Washington-based Council on Competitiveness yesterday.

"We have become just as dependent on the import of research and faculty grade talent as on the import of consumer electronics, DRAM memories, or automobiles," Schmitt, now president of Rensselaer Polytechnic Institute in New York, said, pointing to statistics showing that almost 40 percent of all graduate students of engineering in the United States are foreign-born.

Schmitt spoke at the introduction of a new Council on Competitiveness report that calls for the U.S. government to end years of complacency and formulate an aggressive technology policy to "create an environment more conducive to rapid commercialization by the private sector."

The report is the latest of many that have focused on America's declining industrial strength since the "competitiveness" issue became the catch phrase of U.S. economic policy four years ago.

America's Achilles' heel is its poor performance in turning scientific discoveries into commercial products and services, the report said. It cited five major product lines pioneered by U.S. companies—phonographs, color televisions, audio tape recorders, video cassette recorders and telephone sets—in which the U.S. market share has sharply declined. Part of the problem, the Council said, is governmental indifference.

"While other governments have used science and technology policies to promote industrial growth, the U.S. technology policy has viewed commercial applications as incidental or secondary in importance," said Hewlett-Packard Co. Chairman John Young, who chairs the council, a two-year-old research group made up of 151 chief executives from industry, education and labor.

The study's suggestions range from a request for a creation of a Cabinet-level office of science and technology to a redirection of the federally funded research and development efforts that currently account for half of the \$125 billion the United States spends on research and development every year toward more commercial applications.

The report also calls for new investment of federal money in graduate-level science and engineering programs to head off the country's "significant human resource problems."

According to Schmitt, a combination of decreasing interest in math and science

among high school students, unqualified science teachers and underfunded engineering and science programs at U.S. colleges has created a situation that may result in a shortage of 500,000 scientists and engineers by the year 2010.

"My personal view is that [foreign professors and researchers] have saved us," Schmitt said. "But the dropping interest of our own citizens in these programs ought to be of concern."

Young, who headed President Reagan's commission on industrial competitiveness, said there has been some real progress in

addressing competitiveness issues during the past few years.

"You've seen an absolute night and day difference in trade administration over the past two and a half years," he said. But he would not speculate on which of the two presidential candidates might be more receptive to the report's recommendations.

"Looking at the pronouncement of either candidate, I don't find a rich field for research and development in either case," Young said.

GRAMM-RUDMAN-HOLLINGS (GRH) LAW'S DEFICIT TARGETS AND PROJECTED FEDERAL BUDGET DEFICIT WITH AND WITHOUT RETIREMENT TRUST FUNDS, FISCAL YEARS 1980-94.

(In billions of dollars)

	1980	1987	1988	1989	1990	1991	1992	1993	1994
GRH targets.....	N.A.	-144	-144	-136	-100	-64	-28	0	N.A.
Margin ¹				(10)	(10)	(10)	(10)	(0)	
Total Federal deficit.....	-74	-150	-155	-148	-136	-131	-126	-121	-121
Less surplus in: Social Security (OASDI) (off-budget).....	-1	20	39	52	63	74	86	99	113
On budget deficit.....	-73	-170	-194	-199	-199	-206	-212	-220	-234
Less surplus in:									
Medicare (HI).....	1	12	16	20	19	17	17	15	14
Fed. Employ. Retirement ²	10	31	34	37	37	41	43	44	48
Nonretirement budget deficit.....	-84	-213	-244	-256	-255	-264	-272	-279	-306

¹ Sequestration is not required if the project deficit exceeds the target but by less than the margin.

² Not equal to total deficit less the Social Security surplus because of rounding.

³ Includes civilian and military retirement trust funds.

Source: Numbers for 1980 and 1987 are actual. Numbers for 1988 through 1993 are the Congressional Budget Office baseline projections from August 1988.

FEDERAL GOVERNMENT OUTLAYS AND RECEIPTS AS A PERCENT OF GROSS NATIONAL PRODUCT FISCAL YEARS

Item	Actual		CBO Baseline		
	1960	1970	1980	1988	1993
ON-BUDGET					
Outlays:					
Defense.....	9.5	8.3	5.0	6.1	5.3
Medicare ¹	0.0	0.7	1.3	1.9	2.3
Other Nondefense.....	5.1	6.4	9.6	6.8	6.3
(Program Outlays) ²	(14.6)	(15.4)	(15.8)	(14.8)	(13.9)
Interest.....	1.5	1.6	2.1	3.4	3.7
Total.....	16.1	17.0	17.8	18.2	17.5
Revenues:					
Individual Income.....	8.0	9.1	9.1	8.3	8.8
Corporate Income.....	4.2	3.3	2.4	2.1	2.1
Social Ins. Taxes.....	0.8	1.1	1.7	1.9	1.7
Other.....	3.1	2.5	1.9	1.7	1.4
Total ³	16.2	16.1	15.1	14.0	14.0
Surplus/Deficit ³	0.1	-0.9	-2.7	-4.3	-3.6
OFF-BUDGET					
Social Security:					
Outlays.....	2.3	3.1	4.4	4.6	4.6
Receipts ³	2.3	3.6	4.4	5.4	6.1
Social Ins. Taxes.....	(2.1)	(3.4)	(4.2)	(5.1)	(5.4)
Interest and Other.....	(0.2)	(0.3)	(0.2)	(0.2)	(0.6)
Surplus/Deficit ³	0.0	0.6	0.0	0.8	1.5
Total ³					
Outlays.....	18.2	19.8	22.1	22.6	21.5
Revenues.....	18.2	19.5	19.4	19.2	19.4
Surplus/Deficit ³	0.0	-0.3	-2.8	-3.4	-2.1

¹ Medicare spending exceeds that of function 570 (Medicare) by roughly the level of intra-governmental receipts.

² Detail may not sum to total due to rounding.

³ Does not equal the sum of On-Budget and Off-Budget because of intra-governmental transfers.

Source: Historical statistics are from the Office of Management and Budget. The baseline estimates are those of the Congressional Budget Office.

Mr. PACKWOOD. Madam President, how much time would the Senator from Mississippi like?

Mr. STENNIS. Three minutes.

Mr. PACKWOOD. I yield 3 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Madam President, I thank the floor leaders very much for their courtesy here.

I remember the nominee as a Member of this body. I remember him favorably. According to a strict rule, I do not see any reason why he should not be confirmed. To the contrary, my impression is that he is a capable man, a man of capacity, and a man of experience, where he showed a fine talent and solid, well-grounded balance as he viewed the need for sound finance for our people and for the Government itself, all segments of the Government. I believe and hope that his record will be an outstanding one. I shall certainly vote to approve.

Mr. DOLE. Madam President, as the Republican leader, as a member of the Senate Finance Committee, and as a former Senate colleague, it is an honor to speak in support of the nomination of Nicholas Brady as Secretary of the Treasury.

The unanimous approval of his nomination by the Finance Committee yesterday is clear indication of the high regard in which Nick Brady is held. And it is a reputation that is justly deserved.

Many of us know Nick personally, from his 8 months of service in 1982 as a Senator from New Jersey. During his tenure here, Nick served on the Armed Services and Banking Committees. In addition to his Senate experience, Nick was Chairman of the President's Commission on Legislative and Judicial Salaries, served on the President's Commission on Strategic Forces, the National Bipartisan Commission on

Central America, the Committee on Security and Economic Assistance, and the Blue Ribbon Commission on Defense Management. His most recent Government assignment was to head up the Presidential Task Force on Market Mechanisms, which tried to decipher what happened to the stock market last October and make recommendations on how to avoid future disruptions.

Nick Brady's experience as cochairman and managing director of Dillon, Read & Co., the prestigious New York investment banking firm, certainly helped him in this task; and will undoubtedly provide the kind of real world business knowledge that will be a great asset at the Treasury Department.

As he indicated during his confirmation hearings yesterday, Nick Brady will continue to provide the kind of strong, study, economic leadership that has been a hallmark of the Reagan administration. He is familiar with existing and potential problems that confront ours and the world's economy. And I am confident Nick Brady will direct economic policy in a way that best assures the continuation and expansion of the record-setting prosperity this Nation now enjoys.

Mr. President, I urge my colleagues to unanimously confirm the nomination of Nicholas Brady as Treasury Secretary.

Mr. DOMENICI. Mr. President, it is with great pleasure that I rise to support the confirmation of Senator Nicholas F. Brady as our next Secretary of the Treasury.

Filling the shoes of former Secretary James Baker III will be a difficult challenge—one that I feel Senator Brady is qualified to undertake.

Senator Brady comes to us with outstanding credentials. He received a bachelor of arts degree from Yale University in 1952 and masters in business administration from Harvard Business School in 1954. He then joined Dillon, Read & Co., Inc., where he is the former cochairman and managing director.

Senator Brady brings many years of financial experience to the Department of the Treasury. I had the pleasure of serving briefly in the Senate with him where he was appointed in September 1982 through December 1982.

During this time I had the opportunity to work with him on matters concerning the Federal budget. He displayed great concern for deficits, along with a willingness to compromise and work with his colleagues to address the problem. He established the reputation of favoring an even-handed, fair approach to balancing our Nation's budget.

It is unfortunate that Senator Brady will have such a short time to utilize his expertise as the Secretary of the Treasury. There will be little time for new initiatives between now and January, however, there is much work to be done. In this short time period he will be called upon to respond to unfinished budget legislation, the Canadian Free-Trade Agreement, and the technical corrections bill to the Tax Reform Act of 1986—just to name a few of the major issues.

Senator Brady has long been held in high esteem on Wall Street. In addition, from 1984 to 1985, he served as Chairman of the President's Commission on Executive Legislative and Judicial Salaries. He has also served on the President's Commission on Strategic Forces, the National Bipartisan Commission on Central America, the Commission on Central America, the Commission on Security and Economic Assistance and the Blue Ribbon Commission on Defense Management.

Undoubtedly, he gained his reputation outside financial circles earlier this year when President Reagan named him to head the Commission that investigated October's stock market crash.

When the Commission was first formed, some were pessimistic about how effective it would actually be, but there is a consensus that the report produced by the Brady Commission was the most definitive of all the studies that were conducted. He surprised even the experts with his wealth of detailed and cogent explanations of the October 19 debacle. Senator Brady was said to be primarily responsible for producing information about what exactly went wrong.

Jeffrey B. Lane, president of Shearson Lehman Hutton, said of Senator Brady, "In this business, he is one of those people who knows what's going on." I think he will be one of these people in the Department of the Treasury.

In addition to his professional achievements, Senator Brady is also an accomplished athlete and a devoted family man.

And he is a man of great generosity. As my colleagues remember, Nick Brady and two friends joined together to donate, as a gift to the Senate and the Nation, the Calder sculpture—Mountain and the Clouds—located in the atrium of the Hart Senate Office Building.

I congratulate President Reagan for making a fine selection. I have complete confidence in the abilities of Senator Brady and I will look forward to working with him.

● **MR. MATSUNAGA.** Mr. President, I rise today in support of the President's nomination of Nicholas F. Brady to be Secretary of the Treasury. That nomination was reported favorably by the Committee on Finance on September 13.

Frankly, Mr. President, this nominee has a tough job ahead of him, as indicated by the breadth of responsibilities the job entails. The Secretary of the Treasury not only supervises the Federal Treasury and the national debt, but he plays a central role in the administration's policy decisions on taxes, finances, and the economy. In recent years he has gained a key role in international trade policy as well.

The events of recent years underscore the inextricable connection of domestic fiscal policy to the health of the economy and the size of the trade deficit. To improve the competitiveness of U.S. business in world markets, the Secretary of the Treasury is increasingly called on to spearhead efforts to stabilize international exchange rates. This is a task the current administration at first undertook reluctantly.

Under Mr. Brady's immediate predecessor, however, the administration worked more actively for international cooperation on currency rates. Moreover, the recently enacted Omnibus Trade Act gives the administration a mandate to seek improved exchange rates and consistency of macroeconomic policies between the United States and the other so-called G-7 nations. I look forward to Mr. Brady's pursuing these negotiations vigorously.

Another task the Trade Act gives the Secretary of the Treasury is to study the feasibility of establishing an international body charged with finding solutions to the Third World debt crisis. He is then to consult with both developed and developing foreign countries with the aim of establishing

that organization. Work on this vital goal should begin immediately.

So, the job ahead is not an easy one. Fortunately, Mr. Brady possesses an outstanding set of credentials for this position. He, of course, is a former Member of the Senate, having been appointed to a seat from the State of New Jersey in 1982. He served with distinction as a member of the Banking and Armed Services Committees.

He has had a distinguished career of over 30 years in the field of investment banking with the firm of Dillon, Reed & Co., rising to become that firm's president and chairman.

He has served on various "blue ribbon" commissions, including the National Bipartisan Commission on Central America and the President's Commission on Strategic Forces. He has chaired two such panels, the President's Commission on Executive, Legislative, and Judicial Salaries in 1985 and the Presidential Task Force on Market Mechanisms that looked into the causes of the October 1987 stock market crash and recommended reforms to prevent a recurrence.

I have no question that Mr. Brady is an excellent choice to head the Department of the Treasury, and I urge my colleagues to approve his nomination expeditiously.●

● **MR. DURENBERGER.** Mr. President, I want to take this opportunity to commend the President for nominating Nicholas Brady to succeed James Baker as Secretary of the Treasury. Nick Brady's nomination was unanimously approved by the Senate Finance Committee yesterday because he is one of the most competent and well-respected individuals in this country.

Nick Brady has had a remarkably distinguished career as a public servant and as a member of the private sector. He served in the Senate in 1982, at a time when this country was enduring a terrible recession; a recession in large part the result of the Federal Reserve's effort to wrench out of the economy the inflation that had ravaged this country during the Carter administration.

In 1983, Nick served on the President's Commission on Strategic Forces. And in 1984, he was appointed to the National Bipartisan Commission on Central America where he played a key part in developing an economic aid plan that would have revitalized Central America. Unfortunately, the administration has never provided adequate funds for this plan.

After last year's stock market crash, the President turned to Nick Brady to head up the Task Force on Market Mechanisms which examined the implications of the crash. I know that my colleagues on both sides of the aisle would agree that the report issued by the task force, which everyone refers

to as the Brady report, was an excellent and impartial assessment of the crash which contained many positive recommendations for preventing a similar situation from arising.

I know that Nick will do an excellent job at the Treasury Department and will easily win the confidence of our trading partners when he leads the U.S. delegation to the annual meeting of the World Bank and the International Monetary Fund in West Berlin. It will be difficult for anyone to succeed Jim Baker at Treasury, but if anyone can smoothly fill the void, I am sure it is Nick Brady.

Mr. President, when the Senate Finance Committee yesterday considered Nick Brady's nomination, the chairman of the committee, Lloyd Bentsen, cited many economic challenges facing this country, most notably the trade deficit and the budget deficit. Although no one would minimize the importance of these issues, I think it is worth noting that under the leadership of Treasury Secretary Baker, our budget deficit has been steadily declining; employment levels are at record highs, the economy has had 70 months of uninterrupted growth, and unemployment is at the lowest level in 14 years. And the trade figures released this morning demonstrate that Treasury Secretary Baker's policy of bringing the dollar down to a more competitive level is working.

More needs to be done to deal with these economic challenges, and I am sure that Nick Brady has the capacity to help this country meet the challenge of the global economy. Several years ago, while he was a Member of the Senate, Nick Brady set forth his philosophy for how our Nation should meet its challenges. Citing the 1869 diary entry of John Wesley Powell, who led the first expedition down the Colorado River, Nick Brady stated: "The safest course at the difficult times in our lives is to tackle our problems head on." As Treasury Secretary, Nick Brady will carry that philosophy forward and serve his country with distinction and honor.

Mr. KARNES. Mr. President, I would like to take this opportunity to express my support for the confirmation of Nicholas F. Brady as Secretary of the Treasury.

I would first like to commend Secretary Baker for the leadership he provided the Treasury during his tenure. His implementation of a sound monetary policy and a responsible fiscal policy were critical in continuing the strong economic growth the country has experienced for the last 7 years. Secretary Baker is also largely responsible for developing a more cooperative environment among the G-7 countries which will facilitate the formulation of international economic policies.

Mr. President, I believe no one person is more qualified to assume this

Cabinet post and continue along the same path of prosperity, than Nicholas F. Brady. His past accomplishments exemplify his commitment to serving the public interest. As a U.S. Senator he served on the Armed Services Committee and the Banking, Housing, and Urban Affairs Committee. He has served on a number of Presidential Commissions including the President's Commission on Strategic Forces, the National Bipartisan Commission on Central America, the Commission on Security and Economic Assistance, and the Blue Ribbon Commission on Defense Management. Mr. Brady most recently chaired the Presidential Task Force on Market Mechanisms. As a member of the Senate Banking Committee, I had the distinct pleasure of discussing this report with him during committee hearings on the stock market decline. During the course of these hearings, I was very much impressed by his composure, sense of humor, and willingness to provide straight forward answers to some very difficult questions.

Mr. President, I believe the administration has nominated a very capable individual to fill this position and I again wish to reiterate my strong support for the confirmation of Nicholas F. Brady as Secretary of the Treasury.

Mr. PACKWOOD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the hour of 1:30 having arrived, the question is, Will the Senate advise and consent to the nomination of Nicholas F. Brady, to be Secretary of the Treasury? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN] and the Senator from Hawaii [Mr. MATSUNAGA] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Missouri [Mr. DANFORTH], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Indiana [Mr. QUAYLE] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI] would vote "yea."

The PRESIDING OFFICER (Mr. CONRAD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 2, as follows:

[Rollcall Vote No. 328 Ex.]

YEAS—92

Adams	Gore	Moynihan
Armstrong	Graham	Nickles
Baucus	Gramm	Nunn
Biden	Grassley	Packwood
Bingaman	Harkin	Pell
Boren	Hatch	Pressler
Boschwitz	Hatfield	Proxmire
Bradley	Hecht	Pryor
Breaux	Heflin	Riegle
Bumpers	Heinz	Rockefeller
Burdick	Helms	Roth
Byrd	Hollings	Rudman
Chafee	Humphrey	Sanford
Chiles	Inouye	Sarbanes
Cochran	Johnston	Sasser
Cohen	Karnes	Shelby
Cranston	Kassebaum	Simon
D'Amato	Kasten	Simpson
Daschle	Kennedy	Specter
DeConcini	Kerry	Stafford
Dixon	Lautenberg	Stennis
Dodd	Leahy	Stevens
Dole	Levin	Symms
Domenici	Lugar	Thurmond
Durenberger	McCain	Trible
Evans	McClure	Wallop
Exon	McConnell	Warner
Ford	Melcher	Welcker
Fowler	Metzenbaum	Wilson
Garn	Mikulski	Wirth
Glenn	Mitchell	

NAYS—2

Conrad

Reid

NOT VOTING—6

Bentsen
Bond

Danforth
Matsunaga
Murkowski
Quayle

So the nomination was confirmed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nominee was confirmed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominee.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to proceed out of order as if in morning business for a period not to exceed 8 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

NUCLEAR WASTE

Mr. REID. Mr. President, the New York Times today carried a front-page story stating that the opening of the Nation's first permanent high-level military nuclear waste storage facility, which was to be located in New Mexico, is now being indefinitely postponed because of safety problems.

The delay in opening the so-called WHIPP facility in New Mexico has come about because oversight investi-

gations by the House Environment, Energy, and Natural Resources Subcommittee turned up evidence of possible unsafe conditions in the construction of the facility. For example, the national Academy of Sciences and other scientific groups are expressing concern about water leaks that have appeared in the vast underground cavern, which was designed to be "bone dry" forever.

What is most disturbing is that these safety concerns are not being raised by the Department of Energy, which is responsible for instruction and operation of the storage facility in New Mexico and, of course, is doing the characterization of the one in Nevada.

In fact, according to Subcommittee Chairman MIKE SYNAR, "there are more Energy Department people lobbying for authority to emplace wastes in the repository than there are making sure the facility is safe."

That is an astounding statement—that a Member of Congress and chairman of a major subcommittee states that the Department of Energy is more concerned about figuring out ways to place nuclear waste than they are concerned about how safe it is.

Mr. President, this is disturbing and frightening news for this Senator whose home State of Nevada has been politically singled out by this same Department of Energy as the site of the Nation's only permanent high level storage facility for commercial nuclear waste. Ultimately, Nevada will be asked to store more than 70,000 tons of high level nuclear waste.

What makes this revelation even more frightening is that, according to the September 9 issue of *Western Energy Update*, the nuclear industry is criticizing the Department of Energy because Yucca Mountain may be unable to accept spent nuclear fuel in 1998 as has been promised by the Department of Energy. The report says that if the Department is not able to begin accepting waste as scheduled, the utilities will seek financial damages from the Government, the U.S. Government.

Mr. President, it is clear that the Department of Energy has cut corners at the WHIPP facility in New Mexico in order to try to keep the Agency's politically sensitive program for modernization of its atomic weapon plants on schedule.

Fortunately, they have been caught, thanks to MIKE SYNAR. And it even says more about MIKE SYNAR who is a Member of Congress from a State that does not really have a nuclear waste problem.

The Department is under equally strong pressure by the nuclear industry to meet the artificially imposed deadlines for opening the civilian nuclear storage site at Yucca Mountain in Nevada. There is already evidence

that the Department is rejecting evidence relating to the site characterization at Yucca Mountain that they do not like. For example, in the Nevada papers yesterday there was a major statement by a number of scientists from the U.S. Geological Survey saying maybe it would be better if the Department of Energy just hired somebody so that they could get the answers that they wanted rather than depend on independent scientists like those from the U.S. Geological Survey.

We cannot allow this to continue. I don't believe that the leadership in Congress will permit the Department of Energy and the nuclear industry to put their wishes ahead of the safety of the public.

Mr. President, you and others will recall that I stood on this exact spot and spoke for hours about the fact that the burial of nuclear waste is unsafe; that there must be a determination made that it is safe. That has not been done. What has taken place in New Mexico only amplifies the statements that I previously made.

Mr. President, I intend to urge Energy Committee Chairman JOHNSTON and Environment Committee Chairman BURDICK to redouble their oversight efforts to insure that the Federal Government does its job of protecting the safety of the people in this country, rather than spending its time lobbying Congress to go along with its political agenda. Revelations such as those I have mentioned today only make me more adamant in my fight to slow down the headlong rush in Congress to force political solutions on the complicated scientific and technical questions of how to safely deal with nuclear waste.

CONGRESSIONAL SALARIES

Mr. STEVENS. Mr. President, over the course of my 20 years in the Senate, the matter of Senators' salaries and the acceptance of honoraria which supplement those salaries has been debated, discussed, and deliberated.

Since 1974, the Senate has voted 46 times on substantive, nonprocedural measures involving outside income restrictions, honoraria limitations, and our salaries.

A constitutional provision mandates that Congress set its own salaries. The process has become an agonizing one for Congress.

The costs of housing, food, education, transportation, and the other necessities of life continue to rise for all Americans. Attempting to keep pace with the cost of living by setting our own salaries has proved to be one of the most controversial issues Congress must consider. But it is presented us, time and again, and it comes up with

an almost damned-if-you-do and damned-if-you-don't situation.

Honoraria—compensation for speeches or articles—have also caused consternation for a long time within this body and outside of it. Legislation has been offered, and defeated, in the past to eliminate honoraria. The Senate has now put a cap that is a percentage of current salary on honorariums a Senator may earn.

Newspapers in my home State are raising the issue of the propriety—or, as some say, the impropriety—of accepting honoraria. Our colleagues in the House are discussing alternative salary scales and it is a good bet that it is a matter of discussion by citizens across our Nation.

The public is becoming disturbed. The time has come to once again review honoraria.

In the 98th Congress there was lengthy debate about an amendment offered by the distinguished Senator from Connecticut, Mr. WEICKER, to do away with honoraria altogether. Only six Members of the Senate—I was one of them—voted to support that measure.

Mr. President, in my judgment the Senate should take up the matter of substantially reducing or abolishing honoraria when we review the Quadrennial Commission's pay recommendations, which will be submitted to us in January, and work toward a salary scale that would bring congressional salaries in line with the private sector and either substantially reduce or abolish honoraria.

At this time I ask unanimous consent that editorials titled "Pay Congress for Service, Not Lunch," from the August 1 edition of the *New York Times*; "What are they worth?," from the June 21 edition of the *Anchorage Daily News*; and "The silver lining in a \$57,000 raise," from the December 22, 1986, edition of the *Anchorage Daily News*, be entered into the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From The New York Times, Aug. 1, 1988]

PAY CONGRESS FOR SERVICE, NOT LUNCH

Because of the crabbed, resentful public attitude toward paying public servants, voting themselves a raise can be hazardous to the political health of senators and representatives.

As a result, Congressional pay has remained inordinately low. Worse, that has held down salaries for Federal judges and other top officeholders whose pay scales are connected. And the result of that has been to encourage subterfuges like honorariums from businesses or interest groups.

Reform is badly needed: a substantial increase in Congressional salaries and a prohibition on honorariums and other such forms of outside income.

Representatives make \$86,283 a year and Senators \$87,483. In 1986 a commission recommended that both be paid \$135,000, a figure subsequently reduced by President

Reagan. Even so, members felt compelled to act as if they didn't want the raise; they voted to disapprove it, although the House awaited so long that its vote had no effect.

A new salary commission is to be appointed in October, with its report due in December. It can be expected to make recommendations similar to those of two years ago. A salary of \$135,000 a year for members of Congress would be perfectly justifiable and defensible—if Congress acts first to end the subterfuges.

Honorariums are the most glaring. Unlike members of the executive and judicial branches, who operate under much tighter restrictions, members of Congress can keep up to \$2,000 for an appearance, speech or article. "Earning" an honorarium frequently requires nothing more than having breakfast with industry lobbyists.

One recent study found that members of the Armed Services and Defense Appropriations committees received more than \$500,000 in honorariums last year from top defense contractors. It's all legal, but it still amounts to influence-peddling. Paying members of Congress an amount commensurate with their duties is desirable, especially if it eliminates honorariums of dubious honor.

[From the Anchorage Daily News, June 21, 1988]

WHAT ARE THEY WORTH?

Members of Congress think they aren't paid enough but know they will get kicked in the teeth if they attempt to raise their salaries. So how can lawmakers improve their pay without losing their jobs in the next election?

Rep. Dan Rostenkowski has a novel solution. The Chicago Democrat believes members should pick a salary between \$89,500, the current rate and \$135,000, the figure recommended by a recent federal commission on senior government officials' salaries. New members would accept lower salaries, veterans would seek higher salaries commensurate with their years of service, Rep. Rostenkowski reasons.

This salary structure would make lawyers' pay an individual compact between legislators and constituents. Members of Congress who think they are worth more bucks could take them—and let the voters ratify or reject the pay raise.

Unfortunately, Rep. Rostenkowski's simple solution creates new problems. Power and prerogatives are inequitably distributed in Congress, but pay is the same for everyone. Bitterness and envy will fill the halls if some members are paid almost 50 percent more than others. Members' pay will become an issue in every election in which an incumbent takes more than the minimum pay.

Rep. Rostenkowski is right. The nation's lawmakers should be better paid. But a new pay scale should promote equality, not the inequality inevitable in a pick-your-own-salary plan.

[From the Anchorage Daily News, Dec. 12, 1986]

THE SILVER LINING IN A \$57,000 RAISE

It would be tough for anyone to say "no" to a \$57,600 raise. But there's only one way members of Congress can justify the \$135,000 salary a federal pay commission has recommended for them: by swearing off other sources of income.

Congress now tolls under a pay system that's a scandal waiting to happen. Mem-

bers are allowed to collect more than \$20,000 a year in extra pay from the very interest groups that try to influence congressional votes. And few members let the opportunity pass. Nearly two-thirds of Senators and one-fifth of House members managed to collect the legal maximum, giving speeches, making appearances.

The extra-curricular fun doesn't stop there, either. By inviting members to speak in exotic locations, the interest groups can legally provide all-expenses paid vacations, too.

Congress has been reluctant to close off these moonlighting opportunities, even though they often result in missed hearings and floor business. The main argument for keeping these privately-financed fringe benefits has been that members don't get paid enough. That may be true, given the responsibilities and expenses inherent in the job. But if the congressional salary jumps from \$77,400 to \$135,000 next year, that rationale will disappear for good—and so should the system that lets members sell their services to special interests.

Mr. STEVENS. Mr. President, I thank the Chair. We will be hearing more and more about the subject of honoraria and salaries involved and the Quadrennial Commission's Report before this Congress is over.

TRANSFER OF VIDEO RECORDINGS OF SENATE PROCEEDINGS

Mr. STEVENS. Mr. President, I would now like to inquire whether it is possible if we might go into the subject of Senate Resolution 459, which concerns the transfer, storage, and availability of Senate tapes? And I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I inquire of the distinguished Republican leader if Calendar 901 has been cleared on his side?

Mr. DOLE. It has been cleared on this side of the aisle.

Mr. BYRD. I thank my friend.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 901.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 459) to provide for the transfer of archival quality video recordings of Senate proceedings to the Librarian of Congress and the Archivist of the United States and to clarify procedures for providing copies to Senators.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FORD. Mr. President, at its meeting August 3, 1988, the Committee on Rules and Administration adopted Senate Resolution 459, and a set of regulations pertaining to the transfer of video recordings of Senate floor proceedings to the Library and Archives. The motion pertaining to the regulations provided that they would become effective upon adoption of the resolution by the Senate. Pending adoption of Senate Resolution 459, which authorizes the transfer of the Video recordings to the depositories, video recordings of floor proceedings have been held in storage in the Recording Studio and/or the National Archives and have been available only to the Vice President, Members, and committees of the Senate.

Senate Resolution 28, which was adopted last Congress to permit television coverage of Senate Chamber proceedings, does not authorize the transfer of copies of video recordings of the proceedings to the Library or to the Archives; it merely permits such transfer if authorized by the Senate at a later date and it suggests that there will be a fee paid by each depositor for such copies. Transfer of the video recordings to a depository is necessary to make them available to the public. The House transfers its video recordings to the Library and Archives without payment of a fee.

The present resolution requires that the video recordings be retained by the Recording Studio for 90 calendar days after the date of the recorded proceeding before transfer to either depository for access by the public. Due to this restriction, copies may not be provided to the public during the retention period. Also, there have been very few requests by Members for copies after 30 days. Therefore, the committee decided that the retention period should be reduced to 30 session days.

Although the entire section 4(c) of Senate Resolution 28, 99th Congress, has been redrafted in Senate Resolution 459 to clear up the language, the only substantive changes effected by the Senate Resolution 459 are those set forth below.

Senate Resolution 459 amends section 4(c) of Senate Resolution 28:

First, to authorize the transfer of video recordings to the Archives and Library of Congress without payment of a fee.

Second, to reduce the period such recording are to be held by the Recording Studio from 90 days to 30 session days.

The regulations adopted by the Committee, that will become effective upon adoption of Senate Resolution 459, elaborate on the provisions of the resolution and include procedures relating to it and to other provisions of Senate Resolution 28, including an-

other amendment adopted this session (S. Res. 341) pertaining to political campaign use of recordings.

The regulations provide that during the 30 session days period, the recordings are to be held by the Recording Studio for use of Members. While Members who obtain copies will be subject to the prohibition against political campaign use of recordings, they will not be required to sign an agreement to that effect.

The regulations provide that the Library and Archives must: First, require any person—including Members—except any news organization, who obtains a copy of a recording to sign an agreement not to use the copy for political campaign purposes; second, save such agreements for 2 years; and third, make the agreements available to the Committee on Rules and Administration or to the Secretary of the Senate upon request.

They also provide that the recordings will remain the property of the Senate and that they will be held by the Library and Archives in accordance with agreements to be entered into with the Senate, which will be subject to approval of the Committee on Rules and Administration. This procedure is similar to that of the House for transfer of its recordings.

I ask unanimous consent that the regulations adopted by the Committee on Rules and Administration be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

**UNITED STATES SENATE—COMMITTEE ON
RULES AND ADMINISTRATION
REGULATIONS AND PROCEDURES PERTAINING TO
VIDEO RECORDINGS OF SENATE FLOOR PROCEEDINGS**

1. The Senate Recording Studio shall make at least two archival-quality video recordings of Senate floor proceedings and retain such recordings for a period of 30 session days after the date of such proceedings.

2. During that period, the Senate Recording Studio may, upon request, make additional copies for Members. Members who receive copies shall pay the fee set by the Committee on Rules and Administration and accept the copies on the condition that the copies will not be used for political campaign purposes.

3. After the 30 session days period, the Senate Recording Studio shall transfer the two archival-quality recordings to the Secretary of the Senate, who shall transfer one to the Library of Congress and one to the National Archives.

4. Audio and/or video copies of such recordings may be made by said depositories and distributed to any person or organization upon payment of such fee as the depository may set to recover the cost of copying, subject to the following conditions:

a. Any person or representative of any organization who receives a copy may not use such copy, or permit such copy to be used by any other party, for political campaign purposes.

b. Any person requesting a copy who is not representing a public or commercial news organization must agree in writing, as

a condition of receiving a copy, that such copy will not be used for political campaign purposes. Each depository is responsible for securing such a written agreement for all copies distributed by it. Signed agreements shall be retained for a period of at least two years and, upon request, copies thereof shall be delivered to the Secretary of the Senate or to the Committee on Rules and Administration. A suggested form of agreement is attached.

5. The Senate retains all property rights to the video recordings of Senate Floor Proceedings transferred to the Library of Congress and the National Archives and those depositories shall hold such recordings in accordance with the terms of an agreement to be entered into with the Secretary of the Senate, subject to the approval of the Committee on Rules and Administration.

Issued by the Committee on Rules and Administration, on _____, 1988.

Approved:

WENDELL H. FORD,
Chairman.

TED STEVENS,
Ranking Minority Member.

UNITED STATES SENATE—S. RES. 431 100TH
CONGRESS, 2D SESSION

"Sec. 6. (a) The use of any tape duplication of radio or television coverage of the proceedings of the Senate for political campaign purposes is strictly prohibited.

"(b)(1) Except as provided in paragraph (2), any tape duplication of radio or television coverage of the proceedings of the Senate furnished to any person or organization shall be made on the condition, agreed to in writing, that the tape duplication shall not be used for political campaign purposes.

"(2) Any public or commercial news organization furnished a tape duplication described in paragraph (1) shall be subject to the provisions of paragraph (1) but shall not be required to enter into a written agreement."

I have been advised of the condition set forth in the above resolution and agree that I, and the organization I represent, will not use, nor permit any other person to use, the tape duplicate received by me for political campaign purposes.

Furthermore, in signing below, I do so with the understanding that copies of this agreement are available to the Secretary of the Senate or the Senate Committee on Rules and Administration upon request, pursuant to regulations and procedures issued by the Committee on Rules and Administration.

Date:
Signature:
Name:
Address:
Organization:

Mr. STEVENS. Mr. President, I commend the Senate leadership and the chairman of the Rules Committee, Senator FORD, for bringing Senate Resolution 459 before the Senate today. This resolution, which the Rules Committee reported to the Senate on August 10, 1988, provides for the transfer of television tapes of Senate proceedings to the Librarian of Congress and the Archivist of the United States. This will enable the Library of Congress and the National Archives to suitably store the tapes and to make copies of Senate television tapes available to the general public.

Three months ago, on June 7, 1988, the Senate agreed to Senate Resolution 431 regulating usage of the television tapes which would now be made available through the Archives and Library of Congress. Senate Resolution 431 provides that tape duplications of Senate television coverage is permitted for all purposes "except political campaign purposes." Under the provisions of the resolution, any individual or organization—with the exception of news organizations—who are furnished a tape of Senate proceedings must agree in writing not to use it for political campaign purposes.

Senator FORD has printed in the CONGRESSIONAL RECORD regulations adopted by the Rules Committee which will implement both Senate Resolution 431 and Senate Resolution 459, pending its approval today. I supported adoption of these regulations in order to implement the resolutions. However, as I stated in my additional views to the committee report on Senate Resolution 431, I do not agree with the restriction that any individual or organization who is furnished a tape of Senate proceedings must agree in writing not to use it for political campaign purposes.

I supported adoption of Senate Resolution 431, and its implementing regulations, because it moved the Senate in the right direction by easing restrictions on use of Senate television tapes. Prior to adoption of Senate Resolution 431, the governing resolution—Senate Resolution 28—had prohibited the use of tape duplications of television coverage "for any purpose outside the Senate."

However, I believe we should eliminate all restrictions on use of the tapes. While I certainly share the concern that these tapes not be used to represent unfairly the positions of a Senator or to undermine the integrity of the Senate, I do not believe that we can constitutionally interfere with any use of these tapes—including political campaign purposes.

Proceedings on the Senate floor enter the public domain the moment they take place. I believe that any prior restraint on the rebroadcast of public proceedings of our national legislature, for whatever purpose, is suspect under the strict scrutiny required by the first amendment to the Constitution.

Political speech or expression, including debates on candidates and public issues in upcoming elections, was found by the Supreme Court in *First National Bank of Boston v. Bellotti*, to be "at the heart of the First Amendment's protection." The Court in *Mills v. Alabama*, noted that "there is practically universal agreement that a major purpose of [the First] Amendment was to protect the free discussion of governmental affairs, of course

includ[ing] discussions of candidates. . . ." And as the Court observed in *Nebraska Press Association v. Stuart*, "the thread running through all these cases is that prior restraints on speech and publication are the most serious and the least tolerable infringement on First Amendment rights."

Therefore, I want to state for the RECORD that while I have supported adoption of both Senate Resolution 431 and Senate Resolution 459, and their implementing regulations, because they are a move in the right direction, I oppose the remaining restrictions on the use of the tapes of televised proceedings of the Senate. But I believe in the future we should give serious consideration to eliminating all restrictions on use of Senate television tapes and honor the first amendment entirely.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Are there amendments to be proposed? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 459) was agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. RES. 459

Resolved, That subsection (c) of section 4 of Senate Resolution 28, agreed to February 27, 1986 (99th Congress, 2nd Session), is amended to read as follows:

"(c)(1) The Sergeant at Arms and Doorkeeper of the Senate shall—

"(A) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution;

"(B) make audio and video tape recordings, and copies thereof as requested by the Secretary under paragraph (2) of Senate proceedings; and

"(C) retain for 30 session-days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Secretary of the Senate copies of such recordings.

The Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in subparagraphs (A) and (B), shall comply with appropriate Senate procurement and other regulations.

"(2) The Secretary of the Senate is authorized to obtain from the Sergeant at Arms archival quality video recordings of Senate proceedings and, as soon thereafter as possible, transmit such recordings to the Librarian of Congress and to the Archivist of the United States."

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TIME LIMITATION—AGREEMENT—MILITARY CONSTRUCTION APPROPRIATIONS—CONFERENCE REPORT

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate considers the conference report on the military construction appropriations bill, H.R. 4586, it be considered under the following time limitation:

Twenty minutes equally divided between Senators SASSER and SPECTER on the conference report and all amendments in disagreement.

Provided further that the Senate be permitted to concur en bloc with the amendments of the House to the amendments of the Senate and that the Senate be permitted to recede from amendment No. 41.

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Alaska, the acting leader.

AUTHORIZING THE SECRETARY OF THE SENATE TO TAKE CERTAIN ACTIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate may be authorized to make technical and conforming changes with respect to the engrossment of the bill, S. 2382, which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the Senate passed on Friday, September 9, S. 2382, to delay the implementation of a certain rule affecting the provision of health services by the Indian Health Service, and so the request would give the Secretary of the Senate the authorization to make technical and conforming changes with respect to the engrossment of that bill.

PRINTING OF A HISTORY OF THE ENVIRONMENT AND PUBLIC WORKS COMMITTEE

Mr. BYRD. Mr. President, on behalf of Mr. BURDICK and Mr. STAFFORD, I send to the desk, and ask for its immediate consideration, a resolution authorizing the printing of a history of the Environment and Public Works Committee.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 471) authorizing the printing of a history of the Environment and Public Works Committee as a Senate document.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 471) was agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. RES. 471

Resolved, That a history of the Environment and Public Works Committee be printed, with illustrations, as a Senate document.

Sec. 2. There shall be printed additional copies of such document, the number of which shall be determined by a one thousand two hundred dollars (\$1,200) maximum expenditure, for the use of the Environment and Public Works Committee.

Sec. 3. Printing and binding of said document shall be done in the manner as shall be determined by the Joint Committee on Printing.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FIFTIETH ANNIVERSARY OF THE PASSAGE OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be discharged from further consideration of House Joint Resolution 600, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 600) to commemorate the fiftieth anniversary of the passage of the Federal Food, Drug, and Cosmetic Act.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 600) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF CONFEREES— H.R. 1315

Mr. BYRD. Mr. President, I move that the Senate insist on its amendment to H.R. 1315, the Nuclear Regulatory Commission reauthorization bill, and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. CONRAD) appointed Mr. BURDICK, Mr. BREAUX, Mr. REID, Mr. STAFFORD, and Mr. SIMPSON; and only for the purposes of the provisions of title I, Mr. GLENN and Mr. ROTH; and only for the purposes of the provisions of section 112 of title I, relating to the construction authorization for the nuclear waste repository, Mr. JOHNSTON and Mr. McCURE; and only for the purposes of the provisions of title IV concerning "The Uranium Revitalization, Tailings Reclamation and Enrichment Act of 1988," Mr. JOHNSTON, Mr. FORD, Mr. BINGAMAN, Mr. McCURE, and Mr. DOMENICI.

BILL PLACED ON CALENDAR— H.R. 5150

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 5150, a bill to revise the authority for the regulation of clinical laboratories, it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank my friend, Senator STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WIRTH). Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I ask unanimous consent that I might proceed as if in morning business for not to exceed 15 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ELIZABETH LORNA ANN SIMPSON

Mr. SIMPSON. Mr. President, it is not my usual bent to come before my colleagues with a truly singular and personal item—but we have a few extra moments of time here—and there has been a rather unique and memorable event in the lives of myself and my wife Ann, found amid the clatter and the shot and shell and the grapes that we wend our way through as we do our work in the Senate. I thought I might just share with you, as we have those few moments of time—I would not take that time ordinarily—that yesterday as I was visiting with the majority and minority leaders, planning and assisting to see if we could reach an agenda for these next days, I was handed a note which said simply, "It's a baby girl." Not mine, mind you! And it said, "Call son Bill ASAP,"—soon as possible.

Well, there was quite a lump in the throat for me, for he was our first born and he and his dear wife Debbie now present us with our first-born grandchild. And Debbie is the kind of daughter-in-law you would hand pick for yourself as a father-in-law. Now, that is quite a surge, I can tell you. I believe the phrase they use in these times from a different substance is "a rush"—like something, I am sure, which could come from some chemical potion. And so in a quick phone visit with the mother Debbie and father Bill—apparently granddaughter was not speaking; for she was nursing at the time, just hours after her birth—I was told that she is a lusty communicator, which obviously puts her on a par with all of the Simpsons of whom I have ever been aware.

And so appeared alone on the Earth at 11:30 a.m. on September 13, 1988, one Elizabeth Lorna Ann Simpson. Anyone doubt that it will be simply "Beth"? Of that I am quite certain. So beautiful Beth joins the race, the human race, a new name, a new person—"Elizabeth" a selection of the mother and father, "Lorna" my mother and "Ann" my wife, joining a host of Simpsons of the past and present.

Surely that must be the ultimate experience for a woman, a birthing, so, too, for her spouse to be there at her side throughout the experience as son Bill was. To hear them both describing this remarkable child in some detail was quite an experience.

So Ann and I are richly pleased, touched, tingly. She joins, too, her great grandparents, my strong father who served in the Senate, Milward L. Simpson, who is in his 90th year, and my dear mother, Lorna, the great grandparents of this obviously remarkable child. And Debbie's parents I know are thrilled too. The Persins of Ohio, lovely people. I shall continue to cohabit with the lovely grandmother,

Ann, and this adds a new dimension to our same but ever different relationship, and it will be great fun.

So welcome to Beth. We love having you join us from your warm and dark cocoon into the bright world of Sun and loving hands to nurture you. So, with that, God bless this child.

THE FIRES IN YELLOWSTONE PARK

Mr. SIMPSON. Mr. President, now a few words, if I may, about an issue which is commanding national attention, and that is the fires in Yellowstone Park—a tough, tough issue. I grew up in Cody, WY, 52 miles from the east entrance of Yellowstone Park. And I know the ecosystem intimately. I have backpacked it, I have horsebacked it, I have hunted it, I have relished in it, I have loved it.

The raging fire that has occurred this summer is one of the most startling, devastating, and dramatic disasters that has occurred in the Western United States since the eruption of Mount St. Helens. The conditions inside the park that helped to contribute to the size and range of the ongoing fires were readily apparent to all of us in Wyoming. It was an extraordinarily dry year. There was no question about that. And the Park Service had let the "fuel load"—that is a euphemism—I do not like to use it. I think the corps of officials use it. That means there are logs all over the ground. They are dry, and they burn to beat the band. It is called "fuel load" however. It was building to a point where it was like having an ancient attic filled with old crumpled newspapers waiting for a spark to ignite the whole pile.

Interestingly enough, in Teton County where we have a very responsible county commissioner crew of businessmen, environmentalists, bright people—in June, right next to the park they were indicating drought conditions of the rarest form, and requesting assistance for hay, the harvesting of hay, and drought assistance. Yet, apparently the Park Service people were not heeding that either.

Even though the forest and the park authorities knew that the area was an absolute tinder box, the Park Service continued with its "let burn" policy which allows lightning-caused fires to burn uncontrolled inside the park. Man-caused fires are to be suppressed. At least that is the general theme of policy.

It is that type of "passive" management which led us to the disastrous situation that we are facing today. Nearly a million acres of the park are burning or have burned. Yes, some are in the mosaic, but nevertheless, they have.

When you are given that figure of 900,000 acres in a 2.2 million-acre park, think of the scope of it. And then take out of the puzzle or the picture a lake within the park, which is 100 miles around the shoreline. Then you will really know how much timber has burned. A tremendous, tremendous amount of resources burned.

Well, the result is what we see, and what you see on the television every night. But in addition to that, there are some other things that we do not see on television. The air pollution produced in the form of carcinogens and particulate matter dwarfs the pollution that all of us talk about day and night in here about our atmosphere. The occupant of the chair has been very vitally interested, and I commend him on what he is doing with the issue of the warming trend, the greenhouse effect. In one great cataclysmic eruption you see a cloud of smoke go to the altitude of 40,000 feet, form its own cloud formation, and then its own lightning bolts flashed back there to the Earth, you know that you are seeing nature in its rarest form.

So the particulate matter and pollution has dwarfed all the pollution that could be caused by the 10 dirtiest cities of the United States over the entire summer. And the smoke is drifting to Pennsylvania and to Los Angeles. The heavy air pollution covers four States. It has affected asthmatics. It is causing healthy individuals to breathe cancer-causing chemicals and particulates in amounts that might actually be very threatening to the public health.

Then, in addition, the economic dislocation caused by the fires has severely stressed businesses in and around Yellowstone Park to the point where some will indeed go bankrupt as a result of a very poor tourist season, or hunting season, or just tourism in general.

Just a brief history of the let-burn policy, if I might. Several years ago the Park Service took what was known as the Leopold report which stated that Yellowstone should be managed in a "natural" manner. It formulated then a parkwide policy based on a hands-off, passive management. It matters not in what administration that happened because if the parks and the forests are being managed properly it should not matter who is President or who is not President. Leave that to the professionals. We did leave them all the tools to do what we thought they would surely do.

So this Leopold report was presented, this "hands-off, passive management" report. The result has been that Yellowstone may well have been destroyed by the very people who were assigned to protect it. I use the word "destroy." Others say no, it is an untrue statement. It is regeneration. I understand that. I understand what

regeneration is. But also understand reality. When you go out in your yard and you spill the gas out of your power mower on the grass, and somebody may come along and light it, or it accidentally does so, you then tell me how long it takes to grow anything in that kind of sterilized ground.

Let me tell you, colleagues, the ground is sterilized. It is blackened to the very depths of any root system within it. It has not only burned the south slopes which ordinarily burn in any kind of fire. It is burning the north slopes with the same degree of intensity, power and inferno-like capacity as it burns the south slopes, which is startling to us all because all through the north slopes and where the trees gather the moisture and the snow, and hold it tight—longer than it is held on the south slope then as the spring comes the runoff is less drastic when the first snows are held there on the north slopes. Those slopes are just as devastated this year as any south slope has ever been devastated which is puzzling and very, very disturbing to professional managers.

Then remember that you have an area in an ecosystem which is some 7,000 to 8,000 feet in altitude. You can surely revegetate and regenerate in a California fire with a growing season of 8 months or 9 or 10. You cannot regenerate in an altitude of 7,000 or 8,000 feet where the growing season is 30, 40, or 50 days; that is what you have in this unique part of the world.

And the Leopold report also suggested that the park should be turned into a reasonable illusion of primitive America, while ignoring the fact—this is the one that seems to slip the cog of most people who deal with this issue—that 2½ million people come to Yellowstone Park each year, and Grand Teton National Park; 2½ million. A half million people go down the main street of Cody, WY, each year. A million and a half people go through the streets of Jackson Hole, WY, and West Yellowstone; to lesser degrees in Gardiner, and all the entrances to the park, Cooke City and Silver Gate, which are now nearly destroyed. At least everything around them is destroyed. They have not been destroyed, and God willing, that will not take place. But if the winds shift and the humidity goes down, and remember that fire season to those of us in the West is usually from Labor Day to October 15, or the first big snow. That is usual fire weather. Well, that is just now here. That has just arrived.

Then, if you can keep it in perspective, remember that the Yellowstone National Park was set up by the Congress after reviewing the magnificent artwork of Thomas Moran, and the people coming back and telling about what was there. So it was set up in 1872 as a pleasuring ground for the enjoyment of the American people. That

is what it says in the organic act. It was not set up as a biological study ground. It was set up as a pleasuring ground for the people of the United States.

So the Leopold report basically replaced science with nostalgia and some atavistic desire to return to some other time.

Today, we are seeing the result of this erroneous collection of whimsical and dewy-eyed assumptions.

The Leopold report proposed a fire management policy which became a ticking time bomb. By allowing small areas to burn when lightning struck, the park was setting the forest up for a giant inferno by allowing the overly mature pines, great stands, to accumulate deadwood over a vast area. One hundred thousand or two hundred thousand of those trees can grow on 1 acre, stuffed together. Wind creation will cause them to fall. They are a unique and remarkable tree, but not hardy in the root.

So the management of Yellowstone could have been and should have been different. I am not calling for anyone's head in this process. I have said, though, that if the Secretary of the Interior gives an instruction that all fires will be suppressed—and he gave that order in June, and we know that it was not carried out—I do not believe that failure was done by the Superintendent of Yellowstone National Park, a man named Bob Barbee, for whom I have great admiration.

I have watched him work with the "gate way" communities, watched him come into the chamber of commerce meetings, and put himself on the line. One of the first things he said to me this late summer was: "Tell the people of Cody I am coming in for a meeting as soon as things calm down." They will have quite a reception ready, and he will handle it well.

I think it is his superior, and that is the Director of the parks, the National Park Service, and that is Mr. William Mott. I say, simply, that if the Director does not carry out the directives and instructions of the Secretary of the Interior, he or she should be sacked, whoever it is. If that is part of the mix, then I think that states my case very well.

So the park had a tool which they never used, or seldom used, called prescribed burning, in order to burn out overly-mature stands of pine trees, and to clear out deadwood that contributed to fuel for large, unmanageable forest fires.

By using these techniques, the park could have enhanced the grizzly bear habitat. There is no question that the only clear winner in this entire unfortunate experience is the grizzly. The grizzly will obtain a new habitat, which is right down the pike as to their particular needs—sedges, mead-

ows, clear areas. They are the winners. That is not bad.

I still believe that this ecosystem for bears is tough, when you have 2.5 million people running around in the woods. We have 243 bears, and probably this will double that population, and I still say that is pretty tough on the bears, because the humans will win that one. There are tens of thousands of those animals in Canada and the Yukon, and they are not an endangered or threatened species outside of that Yellowstone habitat. So they will be the winners, and the prescribed burn could have done much for them.

At the same time, the prescribed burn could have reduced the fuel loads in order to prevent the inferno rate we see this summer.

How ironic that one of the things about prescribed burning is that you then burn the park in a mosaic of 250 acres or 3,000 or 2,500 at a time, and then the forest stands grow, instead of what we will now have 200 years from now or 300 years from now—another entire similar growth pattern, with the same continual climax of exit and fuel buildup as we have had here.

The Park Service could have actively fought these lightning-caused fires early in the season with all available effort and resources, and this surely would have reduced the scope of the fire. Since the dry conditions were so well known, no fires should have been allowed to burn this year, except in the spring and the fall, and that could have been done with the prescribed-burn policy, which they have had in their arsenal of activity since 1972.

I do want to commend the President, who I visited with on behalf of the delegation, with my fine Senate colleague, MALCOLM WALLOP; my able congressional colleague, DICK CHENEY; and the Governor of Wyoming, Mike Sullivan, a friend I have known for many years. I visited with him just recently, and always continually with the delegation. Some designations will be made. We will be working with the Governor and the Federal authorities to see that things are done, and done properly.

The President then requested the Secretary of the Interior and the Secretary of Agriculture and William Taft, the Deputy Secretary of Defense, to go there. We met with them on the ground and saw the things that so troubled them, as they reported them to the President yesterday.

We shall wait now and see what the President will further define as to emergency or disaster, and that will await some furnishing of further information by the State and by the Federal authorities.

I expressed to him the need to ensure that no policy restrictions exist anymore on fighting existing fires and that every possible method, including slurry bombers and bulldozers, be used

to control existing fires. They are only dampened now and will move on as the weather warms and the southwest prevailing winds come.

There have been some out in the park, some of the midlevel rangers, who have not really been thrilled by the thought of putting everything out. Those names will come up in the hearings.

The Secretary assured us that every effort will be made to "pull out all stops" on the fires in Yellowstone, and that is being done. Marines are coming in from Camp Pendleton, as well as new firefighters, fresh firefighters, and slurry bombers from Canada.

I thank my Senate colleagues for passing legislation several nights ago which took care of the issue of allowing us to use Canadian slurry bombers and fire personnel in the wilderness. That is another irony, because we had authority always to bring heavy equipment into the wilderness to fight fire. Some have said, "You can't bring bulldozers in here." We said, "Yes, we can."

Mr. President, I ask unanimous consent to have printed in the *RECORD* the statutory citation of the authority to bring any means to bear to fight fire within the wilderness, which includes, at the discretion of the Secretary, heavy equipment.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

United States Code, title 16, Section 1133(c): "In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable."

Mr. SIMPSON. Mr. President, I realize that my time has expired; and if there is no objection, I ask unanimous consent to continue for an additional 5 minutes.

The PRESIDING OFFICER (Mr. WIRTH). Without objection, it is so ordered.

Mr. SIMPSON. So let us just say that the Government is making an all out effort to put out the existing fires. People must know that. It is true. We are assured of that.

I am also contacting all appropriate agencies in order to discern that the types of active disaster and emergency relief efforts that are available to citizens of Wyoming, Montana, and Idaho.

The residents of the counties affected by the forest fires must now face the grim realization of the economic tragedy which the fires have wreaked upon their business.

Faced with the gut-wrenching prospect of not being able to make their mortgage payments, my constituents are looking then for assistance from the Government that caused this result. There are many options available. We are purviewing them all. But

one which will soon be available to eligible small businesses is the federally subsidized economic injury disaster loan. The Small Business Administration is authorized to guarantee loans to victims of economic injury caused by a physical disaster such as the one I cite.

At this time we will also be considering what types of reclamation efforts that are going to be needed to assist nature in recovering in the Yellowstone ecosystem. Obviously firebreaks plowed by dozers, stumps from the hand line control, truck tire marks through the meadows of the Yellowstone Park will have to be repaired in some way, and I think they should. It may also be required that we have revegetation and reforestation in certain areas along the roadways. If you have a road no one can tell me that then you have "wilderness" that cannot be revegetated at least in some portion.

Special measures will be made to protect sensitive trout streams in the area, and I trust that the Park Service, the Fish and Wildlife Service, and other appropriate agencies are beginning to think along those lines.

Mr. President, I think it is especially important that the Interior Department initiate a policy review of Yellowstone Park policy. We can no longer afford a policy which adheres to the tenets of the Leopold report. It is no longer safe or sane to continue with a policy based on some handoff, passive management. We now need active stewardship in Yellowstone in order to prevent another disaster in the future. A public policy review of Yellowstone Park policy is long overdue. In years past we have had all of these similar controversies with grizzly bear management, the prospects of wolf reintroduction, restrictions on boating in Yellowstone's south arm then caused by the fact that they said that the wake from the boats would cause erosion on the shores, which is the most bizarre exercise in logic when you consider that one afternoon windstorm in the summer will curl up a wave of 7 feet.

So those are the things that people get troubled about.

And restrictions of public access within the park because of a grizzly bear winter denning while they are down underneath 4 feet of snow—those are troubling things to sensible people.

So I think it is time we quit playing God in Yellowstone and start playing active, reasonable, and sensible land manager, called stewardship. It is time we formulated a policy with an emphasis on active stewardship, live hands-on stewardship, not some flight of biological and scientific fancy.

Reality demands the Yellowstone Park policy change.

Finally, I pay real tribute, and this is the thing that really gets forgotten, real tribute to the men and women out there on the line. No one ever takes a picture of them except showing them briefly. The men and women on the line, and the people running the laundries, the mess, the food service, the entertainment trying to have a video setup in an old tent. They call that the Crandall Theater up in Crandall, WY, a tent with a video set and a small stove. To those men and women who have been on the ground fighting those fires all summer, they have missed funerals and births and one even missed his wedding while he was involved in the fighting of those fires. I have no other information on that as to what has happened since that occurred, but certainly there was some interesting discussion with his spouse to be.

No work is more demanding than being right on the ground next to an extremely hot fire, a burning tree, trying to dig fire lines, saw trees, shovel dirt, cut off limbs in the midst of burning embers and a wind of 50 miles an hour.

So the men and women of all agencies that have contributed to this effort are really the unsung heroes of the summer. Those dedicated firefighters literally worked until they dropped and many did drop, and they battled the blazes in the harshest and most dangerous conditions that the public could imagine. And no one died. Yet they received little attention from the press and the public. Their hardiness and resolve are deeply appreciated by all of us and they fought a hard and tough battle for all of us. It must be just as frustrating to them as it is to all of us. But we are thankful for their efforts.

I thank the leader for his additional time.

I yield the floor.

Mr. SASSER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, earlier today I reserved my leader's time. I will proceed on that basis.

CHINESE ARMS SALES

Mr. DOLE. Mr. President, last week, Secretary Carlucci completed some important discussions with Deng Xiaoping and other Chinese officials in

Beijing. In his meetings, I am pleased that he had the opportunity to raise with the Chinese the critical issue of their arms sales policy in the Middle East.

However, I—and I am sure many other Senators—are concerned by his comments at the conclusion of these meetings, at least as they were reported in the media. According to those accounts, Secretary Carlucci stated that he was "fully satisfied" with Chinese assurances about its arms sales policies, and he believes they represent no impediment to expanded security ties with, and technology transfers to, China.

Frankly, however, many of us in the Senate remain skeptical about Chinese arms sales policies and disturbed by past arms transfers to Iran and Saudi Arabia, among others.

It wasn't too long ago—July 26—that the Senate agreed to a resolution which I authored by a vote of 97 to 0, condemning past Chinese arms sales to the Middle East, and reported discussions with Syria, Libya, Iran, and Iraq regarding the future sales of M-9 short-range ballistic missiles and other armaments.

The resolution concluded that if the Chinese did not stop selling arms to the Middle East, we should reexamine agreements or contemplated agreements providing for arms and technology transfers to the People's Republic of China.

I firmly believe the Senate—and the American people—deserve to know more about the nature of these assurances before the United States commits to further military and technology transfer agreements with China. Accordingly, I have sent a letter to Secretary Carlucci requesting that he provide us with more information about his discussions with the Chinese on this important national security issue.

Finally, I would urge the administration to hold off on signing any new agreements with China until the Senate and the American people have had a chance to see some evidence that China is indeed living up to its assurances.

Mr. President, I ask unanimous consent that a copy of my letter to Secretary Carlucci and an article and editorial on the subject from the September 8 Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 14, 1988.
Hon. FRANK C. CARLUCCI,
Secretary, Department of Defense, the Pentagon,
Washington, DC.

DEAR MR. SECRETARY: I have noted press accounts of your comments following discussions with Deng Xiaoping and other Chinese officials regarding Chinese arms sales to the Middle East and new military tech-

nology exchange programs. According to these accounts, you are "fully satisfied" with Chinese assurances about its arms sales policies and believe they represent no impediment to expanded security ties with and technology transfers to China.

I am pleased that you raised the arms sales issue in your meetings, and look forward to receiving additional information about the nature of these assurances.

Frankly, however, many of us in the Senate remain skeptical about Chinese arms sales policies and disturbed by past arms transfers to Iran and Saudi Arabia, among others. As you know, on July 26, the Senate passed a resolution (97-0) condemning past Chinese arms sales to the Middle East and reported discussions with Syria, Libya, Iran and Iraq regarding the future sale of M9 short-range ballistic missiles and other armaments. The resolution also called for a reexamination of current and contemplated agreements for arms and technology transfers to the PRC, if Chinese arms sales to the Middle East are not discontinued.

I look forward to hearing from you on this important national security issue.

Sincerely,

BOB DOLE,
U.S. Senate.

[From the Washington Post, Sept. 8, 1988]

CHINA ASSURES CARLUCCI ON MIDEAST ARMS SALES—PEKING SEEN CURBING MISSILE SUPPLY ROLE

(By Daniel Southerland)

BEIJING, Sept. 7—Defense Secretary Frank C. Carlucci said today following talks with Chinese leaders that he feels "fully satisfied" China will behave in a "thoroughly responsible way" in its weapons sales to foreign nations.

"In my opinion, these are the best discussions we have ever had on this subject, and I hope that we can now put this issue behind us," Carlucci said at the end of two days of talks here during which he raised U.S. concerns about Chinese missile sales to the Middle East.

U.S. officials accompanying Carlucci said the willingness of the Chinese to discuss their arms sales policy in depth was a significant development and had helped to assure him that China will not be selling more intermediate-range missiles to Middle East nations beyond those already sold to Saudi Arabia.

The United States considers such missiles to be dangerously "destabilizing." The missiles sold to the Saudis are capable of striking Israel. This and a fear that the spread of such missiles could be accompanied by development of a chemical weapons capability threatening the entire Middle East region have caused great concern in the U.S. government.

Carlucci's remarks were the most positive to be made by a senior U.S. official regarding Chinese weapons sales.

American concern was first aroused more than a year ago when U.S. officials accused China of selling Silkworm missiles to Iran that Washington said threatened U.S. ships patrolling the Persian Gulf.

China denied selling the missiles to Iran but promised to take steps to prevent its missiles from being diverted there.

Carlucci would not go into detail as to how the Chinese had convinced him that they were taking a "responsible" approach to Middle East arms sales. But a U.S. official accompanying him said it was China's top leader, Deng Xiaoping, who gave the

most convincing arguments in a meeting with Carlucci today.

According to the official New China News Agency, Deng told Carlucci, "Here you can see with your own eyes that China is a trustworthy and responsible country."

Speaking at a press conference, Carlucci said Chinese leaders emphasized that they would never sell nuclear weapons to foreign nations and want to pursue policies that contribute to peace and stability.

Following the controversy over Silkworm missile sales to Iran, the Reagan administration had frozen further liberalization of high technology sales to China. But once the administration was convinced that China was halting further sales and exercising a restraining influence on Iran, it ended the freeze.

Members of the U.S. Congress continued to show concern, however, particularly once it was learned that China had secretly arranged to sell Saudi Arabia ballistic missiles with a range of up to 1,600 miles.

In mid-July, the Chinese told Secretary of State George P. Shultz that they had not sold ballistic missiles to any country other than Saudi Arabia. But the administration apparently felt this fell short of a pledge to halt any further such sales.

Apparently signaling that the United States now feels more assured, Carlucci said that U.S. defense experts are discussing with Chinese counterparts new programs that would transfer more military technology to China's Army and Air Force.

The United States is already providing military technology in a number of areas, including electronics for Chinese Air Force interceptors, torpedoes for the Chinese Navy, and the know-how for the production of Army artillery fuses.

Carlucci also said he had no objection to China's plans to launch U.S. commercial satellites on Chinese rockets.

Carlucci continues his visit Thursday with a trip to the ancient city of Xian. He ends it Saturday with the inspection of ships and a naval base near Shanghai.

CHINA'S MISSILES

China's sales of long-range missiles to Middle Eastern governments increase all of the obvious dangers there. Frank Carlucci, the secretary of defense, brought up the missile business in his talks this week with the Chinese. China's defense minister brushed off the subject with the familiar "Who, us?" response. That's not a promising sign.

China claims that it never sold Iran the Silkworm missiles that Iran has now trained on the Persian Gulf shipping lanes. If that's true, it means that China has been selling the Silkworms to third parties with no conditions on resale—an implication that is, if anything, more disturbing than a direct deal with the Iranians. China has also sold Saudi Arabia missiles with a range of more than a thousand miles and the capacity to carry nuclear warheads. Other Middle Eastern countries also appear to have Chinese-built missiles. China doesn't seem to care much to whom it sells, as long as they are not within missile range of China's own borders.

It's getting harder to control the international traffic in high-technology weapons. Until recently, there were only a few sources of missiles—this country, the Soviet Union and Western Europe. But those governments are becoming uneasily aware that as a threat the missiles rank second only to nuclear weapons. Last year the United States and six of its allies announced tight

restrictions on missile sales, and the Russians have become increasingly cautious.

As a result, several Third World countries are finding that they can earn very large amounts of hard currencies by providing missiles to other Third World countries. China isn't alone. North Korea is reportedly helping Egypt develop missiles. Brazil, which is emerging as one of the world's leading manufacturers of armaments, has apparently sold Libya missiles, scheduled to be delivered in a couple of years, that by some accounts will be able to reach Cairo and Jerusalem.

But if China isn't the only purveyor, it is the leader. As long as the Chinese remain impervious to American concerns about their missiles, pressure will grow in this country to reconsider the sale of American military technology to them.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, from time to time we discuss, since this is the 100th Congress, a so-called bicentennial minute, things that have happened over the years in the U.S. Senate that may be of interest to those who read the RECORD and our colleagues and others who watch the Senate proceedings.

BICENTENNIAL MINUTE

SEPTEMBER 14, 1951: SENATOR DOUGLAS FIGHTS FREE HAIRCUTS

Mr. DOLE. Mr. President, 37 years ago today, on September 14, 1951, the U.S. Senate debated the weighty issues of whether to eliminate free shaves and haircuts for Members from the Senate barber shop. Senator Paul Douglas of Illinois, a vigilant watchdog over the public treasury, had gone down to the barber shop for a much-needed haircut. After the barber had done his work, Douglas began to think that his income was ample enough to pay for his own haircut—which then cost a dollar and a quarter—and not charge it to the taxpayers. So he introduced an amendment to that year's legislative appropriation to cut off funds for the barber shop unless it began charging its senatorial customers.

Speaking for the Legislative Appropriations Subcommittee, Senator Carl Hayden of Arizona began by complimenting Senator Douglas on his excellent haircut. He then recounted this story:

I can very well recall that when I first came to the Senate, a very active reporter in the Press Gallery decided that Senators must pay for their haircuts. He wrote article after article on that subject for the newspapers. At that time, being a new Senator, I was somewhat disturbed by the publicity and inquired of some of the other Senators to see what might be done about it. I went to the honorable William Edgar Borah, a late Senator from Idaho, who then had been in the Senate a long time and was very highly respected. I asked him what we should do. Senator Borah said, "You tell that reporter to go to the devil. I want the

same service that was received here by Henry Clay and John C. Calhoun."

After a good laugh, the Senate shouted down Senator Douglas' amendment, and the free haircut survived. I want to assure taxpayers, however, that today Senators pay their own way when they have their hair cut, as Senator Douglas tried and failed to accomplish 37 years ago this day.

Mr. President, I reserve the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION APPROPRIATIONS, FISCAL YEAR 1989—CONFERENCE REPORT

Mr. SASSER. Mr. President, I submit a report of the committee of conference on H.R. 4586 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4586) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conference.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 9, 1988.)

Mr. SASSER. Mr. President, I am pleased to bring before the Senate the conference report on this military construction appropriations bill for fiscal year 1989. I would state to the Senate, Mr. President, that the conference report is within the 302(b) budget allocation for both budget authority and outlays.

Mr. President, the military construction appropriations bill provides \$9.011 billion in new authority for fiscal year 1989.

The conference report is the product of many compromises between the House and Senate. This year we had more than 300 project and language differences between the House and Senate which totaled \$500 million.

The report we are presenting today, represents a good product. This bill

takes care of our most pressing military construction needs, while, at the same time, recognizing the overall need to moderate spending to reduce this Nation's very large budget deficit.

Mr. President, the conferences have made a number of changes in the priorities presented in the President's original budget submission.

Specifically, we have increased funding, I am happy to report to my colleagues, for the National Guard and Reserve by more than \$130 million or almost 28 percent.

I hope the Department of Defense will, in the future, pay more attention to the needs of our Nation's very vital National Guard forces and our Reserve forces. As we move in the direction of stabilizing defense spending, we are simply going to have to rely more and more on the National Guard and the Reserve to perform some of the roles and functions that are now performed by the regular military formations.

We have also reduced spending at overseas bases by almost \$215 million.

Mr. President, while we have provided funding for important mission-related and important quality-of-life projects overseas, we have taken a substantial reduction in the lower priority military construction projects overseas.

We have made these reductions to indicate our continuing concern to our friends and allies of the need on their part to provide additional contributions to the common defense of the free world and to place less reliance on the American taxpayer.

Specifically, we believe our allies can begin to provide expanded assistance in the cost of constructing and maintaining family housing, dependent schools, and community services.

I hope that officials at the Department of Defense will continue to utilize the task force on burden sharing as an effective tool in securing new contributions toward the common defense of the free world from our allies.

Mr. President, the conferees have also addressed another burden-sharing issue in the conference report, that of our allies providing untied loans to the Soviet bloc.

This practice by our allies, especially Japan and West Germany, is increasing the defense burden of the free world.

Mr. President, the administration, in the judgment of this Senator, fails to recognize the significance of this issue. I am hopeful that the language in the conference report will help to stimulate new action by the administration to urge our allies to end this unwise practice of loaning very large sums of money to the Soviet bloc with no strings attached.

Mr. President, I ask unanimous consent that a table entitled "Budgetary

Impact of Conference Report" be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BUDGETARY IMPACT OF CONFERENCE REPORT

(In millions of dollars)

	Budget authority		Outlays	
	Committee allocation	Amount in bill	Committee allocation	Amount in bill
Comparison of amounts in the bill with the Committee allocation to its subcommittees of amounts in the First Concurrent Resolution for 1989: Subcommittee on Military Construction.....	9,011	9,011	8,071	8,065
Projections of outlays associated with budget authority recommended in the bill:				
1989.....				2,618
1990.....				2,965
1991.....				1,704
1992.....				805
1993 and future year.....				706
Financial assistance to State and local governments for 1989 in the bill.....		108		13
			Direct Loan	loans guarantees
Credit authority estimates, fiscal year 1989.....				

¹ Includes outlays from prior-year budget authority.

² Excludes outlays from prior-year budget authority.

Source: Prepared by the Congressional Budget Office pursuant to sec. 308(a), Public Law 93-344, as amended.

Mr. SASSER. Mr. President, I am delighted now to yield to the ranking minority member for any comments that he might have. I might say to my colleagues that it continues to be a pleasure to work with the ranking minority member, the distinguished Senator from Pennsylvania, Mr. SPECTER. His contributions to the excellent end product here have been significant.

I now yield to my distinguished colleague.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Tennessee, Mr. SASSER, for those very generous remarks. Reciprocally, I compliment the chairman of the MilCon subcommittee on appropriations for the outstanding job which he has done during the course of the past year on the hearings, the markup, the passage of the bill before this body, and the conference.

I am pleased to support the conference agreement on H.R. 4586, the military construction appropriations bill for fiscal year 1989.

As Senator SASSER outlined, this legislation will provide the Department of Defense with slightly in excess of \$9 billion for the construction of various facilities to support the missions of the Defense Department; and also provide for the construction of, improvements to and operation and maintenance of the family housing utilized by our military personnel and their dependents.

The conference agreement passed the House earlier today and is within the allocations for budget authority and outlays. It should be noted, Mr. President, that this is the largest military construction appropriations bill ever passed by this body. Again, I want to commend the distinguished chairman of our subcommittee, the Senator from Tennessee [Mr. SASSER], for his outstanding leadership in bringing this bill back to the Senate for final action.

Mr. President, I compliment the majority leader and the Republican leader on the speed of presentation of this conference report to this body.

We sat here awaiting the arrival of the papers, and just as soon as they are in hand after the House action, the matter is submitted to the Senate for its action in our effort to complete action on the 13 appropriation bills to present them to the President one at a time.

Mr. President, I concur with the comments by the chairman, Senator SASSER, about the need for greater burden-sharing. I think that is an undertaking which has to be recognized by our NATO allies. It is something which President Reagan has pressed. It is something we pressed at the Atlantic assembly meetings. It is something which has to be maintained if the United States is to be able to meet its own budget limitations, recognizing our own budget constraints, to have more support of our allies on the common defense.

Mr. President, I commend the staff for their outstanding work and I think that this presentation marks the conclusion of a very important matter of congressional business for fiscal year 1989.

Mr. SASSER. Mr. President, I thank the distinguished ranking member for his remarks and his contributions here this afternoon.

I know of no further debate, Mr. President. This is a fair and equitable conference report. I would urge its approval by the Senate, and I yield back any remaining time, and I would move the adoption of the conference report.

Mr. SPECTER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to. Mr. SASSER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. SPECTER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, in accordance with the agreement previously entered, I ask unanimous consent that the Senate concur en bloc with the amendments of the House to the

amendments of the Senate, and that the Senate recede from its disagreement on amendment No. 41.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments considered and agreed to en bloc are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 28 to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "\$927,292,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 4 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: "\$1,576,516,000 of which amount, \$38,080,000 for the TACAMO mission shall not be available for obligation or expenditure before October 15, 1988, and, of the amount appropriated, funds allocated for homeporting at Everett, Washington may be obligated and expended for any homeporting military construction activity at that installation, except actual dredging and disposal of contaminated sediment, and that such funds may be expended for actual dredging and disposal of contaminated sediments once requirements of the Federal Water Pollution Control Act have been satisfied".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 7 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"COAST GUARD SHORE FACILITIES"

"For construction, rebuilding and improvements of shore facilities of the United States Coast Guard, \$50,300,000 to remain available until September 30, 1993".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 8 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: "\$1,225,926,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 22 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: "\$197,278,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 24 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: "\$1,527,602,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 25 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: "\$244,181,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 27 to the aforesaid bill,

and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "\$799,169,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"Sec. 126. Of the funds appropriated in this Act for Operations and maintenance of Family Housing, no more than \$30,000,000 may be obligated for contract cleaning of family housing units."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 35 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"Sec. 127. None of the funds appropriated in this Act may be used for the design, construction, operation or maintenance of new family housing units in the Republic of Korea in connection with any increase in accompanied tours after June 6, 1988."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 37 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert: "128".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert: "129".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 40 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"Sec. 130. None of the funds appropriated in this Act for the National Test Facility or any other components of the National Test Facility may be used to provide any operational battle management, command, control or communications capabilities for an early deployment of a ballistic missile defense system: Provided, That the goal of the National Test Bed should be to simulate, evaluate, and demonstrate architectures and technologies that are technically feasible, cost-effective at the margin, and survivable."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 45 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"Sec. 131. Such sums as may be necessary for fiscal year 1989 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act."

Resolved, That the House insist on its disagreement to the amendment of the Senate numbered 41 to the aforesaid bill.

Mr. REID. Mr. President, I rise to praise the work of the distinguished chairman of the Senate Appropriations Subcommittee on Military Construction, my good friend Senator SASSER. He managed to overcome

every political and policy pratfall while negotiating the military construction bill through the Senate and the conference committee. Senator SASSER is one of those rare individuals who can please everyone but appease no one. He has my utmost respect and admiration, feelings I know are shared by my colleagues on the subcommittee and by our counterparts in the House.

Those of us on the subcommittee know that some of the decisions made by the chairman were really quite difficult, and accrued no advantage to him. I refer specifically to the 2-year fight I have waged to prevent the 474th Tactical Fighter Wing based at Nellis Air Force Base, NV, from being deactivated. On the very first day of the 100th Congress I learned the President had decided to deactivate the 474th. I was shocked. The Secretary of the Air Force had told me on several occasions this Nation needs 44 tactical fighter wings to provide a strong conventional deterrent; 40 wings has been an interim goal for several years, while we currently have 38. Deactivating the 474th leaves this Nation with seven fewer tactical fighter wings than it needs to adequately defend itself.

Last year, the Nevada delegation, and Gov. Richard Bryan, managed to win a 1-year reprieve for the 474th. This year, through, the President again chose the 474th for deactivation and stacked the cards against the wing. He made sure the planes were distributed to States with politically powerful members who would fight hard for the planes and the deactivation of the 474th.

Chairman SASSER had absolutely nothing to gain by helping me in my fight to save the 474th. But he stuck his neck out and worked with me to save the wing. The Senate worked its will and included bill language in H.R. 4586, the military construction appropriations bill for fiscal year 1989, preventing the deactivation of the wing. The House, under pressure from the President and Members who would see their Guard and Reserve units upgraded with F-16's, refused to accept this bill language in conference on Friday or today on the floor.

I believe this action by the House is a major mistake. It ignores the need this Nation has for a strong conventional deterrent, particularly since the ratification of the INF Treaty. Once the 474th is deactivated it is gone forever. Its training, expertise, and plan can never be reactivated. Deactivating the 474th is a shortsighted budget expedient taken at a time when our conventional weapons capability must be enhanced.

I have fought, and fought hard, to save the 474th for almost 2 years now. The odds have not gotten any better. I have arguments for a strong conven-

tional deterrent and the tiny Nevada delegation on my side. Arrayed against me is the President and Members from States who will get F-16s, pressure for early adjournment and today's action by the House. Continuing the fight will only postpone the inevitable deactivation of the 474th. H.R. 4586 appropriated \$9 billion for building facilities crucial to the defense of our Nation. Our fighting men and women are depending on us to provide them with housing and other amenities that contribute to their morale and readiness. I cannot hold up this important bill, and sacrifice the other legitimate needs of the armed services, for a cause my colleagues will not support.

On January 20, 1989, this Nation will have a new President. On April 1, 1989, the 474th tactical fighter wing is scheduled to be deactivated. I hope during this short period, the new President will reexamine our force structure and decide more, not less, tactical fighter wings are needed to provide a credible conventional deterrent and a strong national defense. This will not be an easy decision for the next President, I have little hope he will reverse the decision to deactivate the 474th.

Finally, I am happy to say that my chairman has agreed to help me find a use for the Indian Springs Air Force Auxiliary Field. Working together, I believe we will be able to upgrade this underutilized field and make it suitable for the Air Guard in southern Nevada. Mr. President, Senator SASSER has shown he is a fair, hard working chairman who will not hesitate to go the extra mile for his fellow Senators. Once again I commend him and his clerk, Mike Walker, for their work on this bill and look forward to my future years of service on the Military Construction Subcommittee.

Mr. SASSER. Mr. President, I want to thank once again all Senators who have participated in the debate and worked on this military construction appropriations bill and, Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEDIES FOR THE U.S. TEXTILE AND APPAREL INDUSTRIES

The Senate continued with the consideration of the bill.

Mr. THURMOND. Mr. President, as I understand it, we are back on the textile bill now.

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMOND. Mr. President, I rise as an original cosponsor of this legislation which will significantly strengthen and promote enforcement of our textile and apparel trade laws and agreements. This measure, H.R. 1154, the Amended Textile and Apparel Trade Act of 1988, has attracted strong bipartisan support. Many of my Senate colleagues have signified their dedication to the continuation of a viable American textile and apparel industry with 50 having joined as cosponsors of the original Textile and Apparel Trade Act of 1987.

Mr. President, a viable textile and apparel industry is absolutely essential to the economy and national security of this Nation. Although seriously threatened, and already heavily impacted by massive imports, this vital industry still provides employment nationwide for more than 2 million Americans. One out of every 10 manufacturing jobs is a textile- and apparel-created job. As well, more people depend upon the textile and apparel industry for their livelihoods than the steel and auto industries combined. However, if the current trend in job losses persists due to textile import penetration, massive economic hardship will continue to impact harshly upon those who depend upon this industry for their livelihoods.

In addition to its economic importance, the textile and apparel industry is critical to the defense and security of this Nation. In 1984, U.S. Trade Representative William Brock said: "Every industry insists it is essential for national defense. Textiles is the only one we accept as essential." We must not allow ourselves to become dependent upon foreign nations for the basic defense requirements of our Armed Forces. It is no small task to meet the apparel needs of our military forces. The textile and apparel industry has met the challenge throughout the history of this country both during times of war and times of peace. Textile employees have spent millions of hours manufacturing textile and apparel items which are essential to our military forces who are called on to preserve our freedom. A strong domestic textile industry is critical to a strong military. Unless this legislation becomes law, our domestic textile industry will continue to grow weaker while our adversaries become stronger through exports to our country. This could ultimately threaten the national security of this Nation.

Mr. President, having outlined the importance of the textile and apparel industry, I believe it appropriate now to discuss the magnitude of the crisis confronting this vitally important industry.

Over the last several years, I have quoted many statistics related to the

textile and apparel industry. Year after year, the statistics are more and more dismal. The situation has deteriorated to the point that almost one-half of all textile and apparel goods sold in the United States today are made abroad.

Mr. President, I want to repeat that statement. The situation has deteriorated to the point that almost one-half of all textile and apparel goods sold in the United States today are made abroad.

The fact that this Nation faces such a crisis is inconceivable. In certain product categories, imports have captured 80 percent of the domestic market. Although imports have adversely impacted almost all of our domestic industries, the situation is most acute with regard to the textile and apparel industry. Import penetration in the auto and steel industries is only 25 percent, about one-half the rate experienced by the textile and apparel industry.

During the past 5 years, textile and apparel imports have increased at an average rate of 20 percent per year, displacing some 300,000 to 350,000 American textile workers in the process. Over 700,000 textile employment opportunities have been lost as a result of increased imports. A recent example of these massive layoffs was reported in the Washington Post on July 22, 1988. The article entitled "Virginia Mill to Close" states that a textile mill employing 164 people in Fries, VA would close around October—a victim of foreign competition, according to the owners.

The owners who happen to be from South Carolina may donate all or part of the mill to the town which owes its existence to this mill. The operation of the mill built nearly all the homes in the community, helped establish a school, churches, a cemetery, a bank, and recreational facilities. When a textile mill is forced to close down due to overseas competition, many times, an entire town is destroyed.

The 164 employees will become a part of the dismal statistics I have stressed over and over. One hundred and sixty-four may not seem to be a significant layoff, unless you are the one asked not to return to your job on Monday.

Mr. President, textile imports totaled over \$28.9 billion during 1987. This record amount of imports reflects an astounding increase of almost 17 percent over 1986.

On the other hand, the United States exported only \$4.1 billion during 1987, which translates into an unprecedented textile and apparel trade deficit of \$28.8 billion. This reflects a 16.8-percent increase of the textile and apparel trade deficit. These figures equate to an import-export ratio of 7 to 1. The entire trade deficit reflects

an import-export ratio of only 1.87 to 1. This statistic clearly depicts how hard the textile and apparel industry has been hit compared to other industries.

The textile and apparel trade deficit for January and February 1988, rose 6.3 percent over the same period last year to a recordbreaking \$4.2 billion.

As discouraging as these statistics are, there is more bad news for the textile industry. Measured in square yards, textile and apparel imports reached a record level in 1987. Over 13 billion square yards were brought in—a 2.35-percent increase over the record amount of imports in 1986. If this current trend does not change, and there is no reason to believe that it will unless this measure passes, more than 13 billion square yards of textile and apparel imports will flood into the United States in 1988.

The most astonishing fact is that these record levels were reached despite administration claims that they have negotiated tighter bilateral agreements with foreign importers. The truth is that the administration has taken no effective action to ensure the job security of the more than 2 million Americans employed in this industry. In fact, according to the American Textile Manufacturing Institute, over 10,000 textile and apparel employees lost their jobs during the month of January 1988. Unless Congress takes prompt action to stop this devastating trend, the flood of textile and apparel imports will drive this domestic industry to extinction. Some 2 million Americans employed in this industry could suffer the tragedy of losing their jobs.

Along with these statistics, a recent study by the Office of Technology Assessment, OTA, warrants serious consideration by the members of this body. As we all know, OTA was created in 1972 as an analytical arm of Congress. Its basic function is to help legislative policymakers anticipate and plan for the consequences of technological change and to examine its impact on our citizens. OTA provides Congress with nonpartisan independent and timely reports in many areas—one being the U.S. Textile and Apparel Industry.

OTA issued a report entitled the "U.S. Textile and Apparel Industry: A Revolution in Progress." Its conclusions are most disturbing. This report concludes that "despite the optimism made possible by technical progress, U.S. textile and apparel firms are in danger . . . in spite of these remarkable advances, the industry is gravely threatened."

The OTA report draws the following conclusion:

*** if penetration of U.S. apparel markets were to continue at the pace of the past decade, domestic sales of U.S. apparel firms would approach zero by the Year 2000,

while two-thirds of the U.S. textile market would be served by foreign imports.

In essence, the OTA report concludes that the domestic textile and apparel industry will be extinct in a few short years unless the flooding of our domestic market with foreign textile and apparel imports is halted. This bill must become law if this industry is to survive.

Mr. President, the reason imports have been capturing larger and larger percentages of our domestic market is because foreign manufacturers do not compete with our domestic textile and apparel producers on an equal basis. If they did, then the U.S. textile and apparel industry, the most modern in the world, could easily compete with that of any other nation. However, our domestic industry cannot effectively compete with foreign industries that pay their employees slave wages and that are subsidized by their governments. In order to have free trade, we must first have fair trade.

Many foreign governments have bolstered their textile and apparel industries in order to fulfill the threefold purposes of creating jobs for their workers, acquiring U.S. dollars, and achieving a more favorable balance of trade. These governments have been creative, innovative, and remarkably successful in their efforts as the import statistics too well illustrate. For example, many countries have provided low interest, subsidized loans for capital formation and expansion within their textile and apparel sectors. They have created tax advantages and other incentives for exporting textile and apparel products. They have fostered and protected their own industries and markets through currency manipulation and trade restrictions. In many cases, formal partnerships have even been arranged between foreign textile firms and their governments.

Before closing, I would like to mention recent events that make passage of the textile bill absolutely necessary. I am appalled that this administration has agreed to allow the Soviet Union to import cotton sheeting and print cloth into our domestic market. You can be assured the Soviets will attempt to exploit and take advantage of this opportunity to become a major supplier of textiles and apparel into this country. In essence, the Soviet Union is undermining the most essential industry to our national defense. By allowing the Soviets to ship their products here, we are depriving American workers of their jobs and creating jobs for our strongest adversary. We simply cannot continue to permit these practices. American workers must always come first.

In conclusion, the legislation we are considering today is designed to promote the orderly, nondisruptive growth of world trade in fibers, tex-

tiles, and apparel products. It is the result of a cooperative, bipartisan effort on the part of textile and apparel management and labor, Members of Congress, and others concerned with the continuation of a viable domestic textile and apparel industry. I believe the Textile and Apparel Trade Act to be a sound measure that will ensure strict enforcement of our existing trade laws and agreements. Above all, it will structure a fairer trading system for textile/apparel products worldwide.

Furthermore, the amended bill is drafted in a manner to ensure that other domestic industries are treated equitably and fairly. For example, H.R. 1154 contains a provision which requires the administration to give preference to foreign countries which increased their purchases of American agricultural products when allocating textile and apparel quotas under the bill.

The bill also provides for a 1-year pilot program to auction textile and apparel import licenses to alleviate the reduction of tariff revenues due to import controls. This provision would ensure that the cost of implementing this measure will remain minimal.

The main purpose of this bill is to set limits on import growth rates at 1 percent per year from a 1987 base level. This is consistent with the multi-fiber arrangement, and moreover, necessary to the survival of one of the most important industries of our Nation. It is apparent that this legislation is unquestionably necessary. This textile and apparel import problem will not solve itself. I reiterate, we saw the textile and apparel deficit grow to a massive \$24.8 billion in 1987. We have lost thousands of textile and apparel related jobs and job opportunities in the last several years. Unless we take prompt action, the continued existence of the industry is in jeopardy.

Finally, some label this legislation as protectionist. I believe this label is inaccurate. When the jobs of more than 2 million Americans are at stake, the issue is not one of being protectionist, it is a question of developing a fair and rational trade policy that will allow a competitive amount of goods to enter our markets without displacing our workers. American jobs should never be sacrificed to support foreign economies and employment.

I strongly urge my Senate colleagues to seriously consider this bill and realize the necessity of its passage.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FOWLER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination, which was referred to the Select Committee on Indian Affairs.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT—PM 155

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

Pursuant to the requirements of Section 10 of the Saint Lawrence Seaway Act of May 13, 1954, I hereby transmit the Saint Lawrence Seaway Development Corporation's Annual Report for 1987.

RONALD REAGAN.

THE WHITE HOUSE, September 14, 1988.

MESSAGES FROM THE HOUSE

At 1:20 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1223) entitled the "Indian Self-Determination Amendments of 1987," with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 2057. An act to provide for the establishment of the Coastal Heritage Trail in the State of New Jersey, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 775. An act to provide for the establishment of the Poverty Point National Monument, and for other purposes;

H.R. 3957. An act to establish the Delaware and Lehigh Navigation Canal National Heritage Corridor in the State of Pennsylvania;

H.R. 4064. An act to amend title 28 of the United States Code to authorize the appointment of additional bankruptcy judges;

H.R. 4554. An act to remove certain restrictions on land acquisitions for Antietam National Battlefield;

H.R. 4970. An act to amend title 35 of the United States Code relating to animal patents; and

H.R. 5049. An act to amend section 603(a) of the Federal Property and Administrative Services Act of 1949 to authorize the expenditure of monies for official reception and representation expenses.

The message also announced that pursuant to the provisions of section 225(b) of Public Law 90-206, the Speaker appoints Mr. William R. Ratchford of Arlington, VA; and Mr. John Creedon of Larchmont, NY, on the part of the House from private life as members to the Commission on Executive, Legislative and Judicial Salaries.

At 3:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 328. Joint resolution to designate the day of September 14, 1988, as "National Medical Research Day".

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4586) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes; it recedes from its disagreement to the amendment of the Senate numbered 28 to the bill, and agrees thereto; it recedes from its disagreement to the amendments of the Senate numbered 1, 4, 7, 8, 22, 24, 25, 27, 34, 35, 37, 38, 40, and 45 to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate; and that it insists upon its disagreement to the amendment of the Senate numbered 41 to the bill.

At 4:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4387) to authorize appropriations for fiscal year 1989 for Intelligence and Intelligence-related activities of the U.S. Government, for the Intelligence community staff, for the Central Intelligence

Agency retirement and disability system, and for other purposes.

The message also announced that the House has passed the bill (S. 945) to require the Secretary of Health and Human Services to make grants to local governments for demonstration projects to provide respite homes and other assistance for infants abandoned in hospitals, and for other purposes; with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the bill (S. 1914) to designate a segment of the Wildcat River in the State of New Hampshire as a component of the National Wild and Scenic Rivers System, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5073. An act to amend the Federal Aviation Act of 1958 to provide protection for aviation whistleblowers.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 5:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 4783. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1989, and for other purposes;

H.R. 4867. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes; and

S.J. Res. 328. Joint resolution to designate the day of September 14, 1988, as "National Medical Research Day".

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore [Mr. STENNIS].

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 775. An act to provide for the establishment of the Poverty Point National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3957. An act to establish the Delaware and Lehigh Navigation Canal National Heritage Corridor in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

H.R. 4554. An act to remove certain restrictions on land acquisitions for Antietam National Battlefield; to the Committee on Energy and Natural Resources.

H.R. 4970. An act to amend title 35 of the United States Code relating to animal patents; to the Committee on the Judiciary.

H.R. 5049. An act to amend section 603(a) of the Federal Property and Administrative Services Act of 1949 to authorize the expenditure of moneys for official reception and representation expenses; to the Committee on Governmental Affairs.

H.R. 5073. An act to amend the Federal Aviation Act of 1958 to provide protection for aviation whistleblowers; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The Committee on Banking, Housing, and Urban Affairs was discharged from the further consideration of the following bills; which were placed on the calendar:

H.R. 176. An act to provide for the uniform disclosure of the rates of interest which are payable on savings accounts, and for other purposes; and

H.R. 3011. An act to amend the Truth in Lending Act to establish additional disclosure, advertising, and other requirements for home equity loans.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, September 14, 1988, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 328. Joint resolution to designate the day of September 14, 1988, as "National Medical Research Day."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1626. A bill to keep secure the rights of intellectual property licensors and licensees which come under the protection of title 11 of the United States Code, the Bankruptcy Code (Rept. No. 100-505).

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment:

S. 1863. A bill to amend the bankruptcy law to provide for special revenue bonds, and for other purposes (Rept. No. 100-506).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 1919. A bill for the relief, of Michael Wilding (Rept. No. 100-507).

By Mr. INOUE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 129. A bill to authorize and amend the Indian Health Care Improvement Act, and for other purposes (Rept. No. 100-508).

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

H.R. 2046. A bill to authorize the Secretary of State to conclude agreements with the appropriate representative of the Government of Mexico to correct pollution of the Rio Grande.

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

H.J. Res. 602. Joint resolution in support of the restoration of a free and independent Cambodia and the protection of the Cambo-

dian people from a return to power by the genocidal Khmer Rouge.

S. Res. 385. Resolution expressing the opposition of the Senate to the continued control of the cathedral of Vilnius, Lithuania, by the Union of Soviet Socialist Republics.

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. Con. Res. 129. Concurrent resolution expressing the support of Congress for the Dalai Lama and his proposal to promote peace, protect the environment, and gain democracy for the people of Tibet.

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 142. Concurrent resolution congratulating Israel and Egypt on the tenth anniversary of the Camp David Accords.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

W. Allen Wallis, of New York, to be United States Alternative Governor of the International Bank for Reconstruction and Development for a term of five years; and United States Alternative Governor of the Inter-American Development Bank for a term of five years.

The following-named persons to the Representatives of the United States of America to the Forty-third Session of the General Assembly of the United Nations:

Vernon A. Walters, of Florida;
Pearl Bailey, of Arizona;
Rudy Boschwitz, United States Senator from the State of Minnesota; and
Christopher J. Dodd, United States Senator from the State of Connecticut.

The following-named persons to be Alternative Representatives of the United States of America to the Forty-third Session of the General Assembly of the United Nations:

Noel Gross, of New Jersey;
Lester B. Korn, of California;
Hugh Montgomery, of Virginia;
Patricia Mary Byrne, of Ohio; and
Arthur Schneider, of New York.
Joseph F. Saldago, of California, to be the Representative of the United States of America to the Thirty-second Session of the General Conference of the International Atomic Energy Agency;

The following-named persons to the Alternate Representatives of the United States of America to the Thirty-second Session of the General Conference of the International Atomic Energy Agency:

Lando W. Zech, of Virginia;
Bruce K. Chapman, of Washington; and
Richard T. Kennedy, of the District of Columbia.

Nicholas F. Brady, of New Jersey, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; and United States Governor of the African Development Fund.

(The above nominations were reported with the recommendation that they

be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which appeared in its entirety in the CONGRESSIONAL RECORD of September 7, 1988, and, to save the expense of reprinting them on the Executive Calendar, I as unanimous consent that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEINZ:

S. 2786. A bill to amend title 10, United States Code, to encourage increased utilization of domestic firms in the performance of Department of Defense contracts; to the Committee on Armed Services.

By Mr. HEINZ (for himself, Mr. ROCKEFELLER and Mr. WALLOP):

S. 2787. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the exploration and development of coal resources; to the Committee on Finance.

By Mr. DURENBERGER (for himself and Mr. BAUCUS):

S. 2788. A bill to amend the Solid Waste Disposal Act; to the Committee on Environment and Public Works.

By Mr. DOLE (for himself, Mrs. KASSEBAUM and Mr. HEINZ):

S. 2789. A bill to require the Secretary of the Treasury to mint and issue \$1 coins in commemoration of the 100th anniversary of the birth of Dwight David Eisenhower; considered and passed.

By Mr. DURENBERGER:

S. 2790. A bill entitled "Narcotics Enforcement Simplification Amendment of 1988"; to the Committee on the Judiciary.

By Mr. DECONCINI (for himself and Mr. MCCAIN):

S. 2791. A bill to add additional land to the Salt River Pima-Maricopa Indian Reservation in Arizona, and for other purposes; referred to the Committee on Indian Affairs.

By Mr. ROTH:

S.J. Res. 377. Joint resolution proposing an amendment to the Constitution regarding Federal taxation of State obligations; to the Committee on the Judiciary.

By Mr. HEINZ (for himself, Mr. SASSER, Mr. ROCKEFELLER, Mr. PACK-

WOOD, Mr. KERRY, Mr. ADAMS, Mr. HUMPHREY, Mr. GORE, Mr. EXON and Mr. COCHRAN):

S.J. Res. 378. Joint resolution designating the week of October 2 through 8, 1988, as "National Wild and Scenic Rivers Act Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for Mr. BURDICK (for himself and Mr. STAFFORD)):

S. Res. 471. Resolution authorizing the printing of a history of the Environment and Public Works Committee as a Senate document; considered and agreed to.

By Mr. JOHNSTON (for himself and Mr. McCLURE):

S. Res. 472. Resolution authorizing the printing of background information relating to the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEINZ:

S. 2786. A bill to amend title 10, United States Code, to encourage increased utilization of domestic firms in the performance of Department of Defense contracts; to the Committee on Armed Services.

UTILIZATION OF DOMESTIC FIRMS IN PERFORMANCE OF DEPARTMENT OF DEFENSE CONTRACTS

Mr. HEINZ. Mr. President, some of my friends in this body as well as some members of academia have in recent years launched a bitter attack on domestic procurement policies. They have made it seem unAmerican to buy American.

Well, in the coming months a number of us will be embarking on a counterattack against this effort to stand sound policy and sound economics on its head. Buying American is neither unAmerican nor unpatriotic. It strengthens our industrial base and in most cases over the long term saves money.

The economic arguments of those who oppose buy American policies are based on the same myopic thinking used by those who welcome dumped and subsidized imports because they are cheaper. Let the foreign goods come in, the economists say. We get the benefit of low prices, and foreign governments get poor paying the subsidies or their producers go broke my dumping.

It is precisely that kind of upside-down thinking that has produced our \$170 billion trade deficit. The foreign producers and governments obviously are not going broke, and our consumers, far from saving money, are saddled with a foreign debt that our children will repay with a lower standard of living. This is an economic "Back to the Future" where Marty McFly goes backward and stays there; where we find our children having to work as hard as our parents to get by.

This has happened because instead of defending our comparative advantages, we have allowed our competitors to create theirs—through predatory strategies that allow them to capture

our entire market by selling at any price. Once dominant, they can price at will. What has happened to domestic television manufacturing? VCR's? Telephones? Increasingly, semiconductors? Machine tools? The answer is, the same thing that will happen to high definition television, if we are not careful.

Those nearsighted politicians and economists who think free trade is a one-way street fail to understand the role their policies have played in eroding our industrial base. And I am not talking about low tech, low capital intensive, easy entry industries, but high tech, capital intensive industries with high entry costs, high research and development expenditures, and rapid development of new generations of technology. To kiss these industries goodbye in the name of one-way free trade is to abandon them forever, and in the process to weaken our national security by eroding our industrial manufacturing base. Yet that is exactly what we are doing.

This is not an abstract concern, as a recent Defense Department report, "Bolstering Defense Industrial Competitiveness," confirms: "Many basic industries of importance to defense production have declined, threatening the responsiveness of our industrial base. Left unchecked, such erosion could rob the United States of industrial capabilities critical to national security." I will shortly discuss some of the details of that report.

There are many ways to address this problem, but all of them begin with putting the American back into buy American and acknowledging it is not a crime to prefer our own products when the consequences of not doing so are so great.

There is also room for legislation—not protectionist legislation—but rather a modest step to encourage those whose task it is to worry about our industrial base to translate that worry into concrete procurement decisions.

Therefore, I am today introducing legislation that will encourage increased participation by our domestic industries in the defense procurement process. This bill sets certain guidelines for the Department of Defense, guidelines which in turn take the amount of promised domestic subcontracting into account when DOD considers awarding bids to prime contractors. This bill will require prime contractors to specify in their bids a percentage of domestic content they will demand in subcontracts and then require the Department of Defense to consider this domestic subcontract percentage as a factor in bid selection. This will be another safeguard against the erosion of our Nation's vital defense industries by unfair foreign competition.

Mr. President, in 1986 the United States awarded \$9 billion in military contracts to foreign companies. The Defense Department defends its practice of awarding an unnecessarily large amount of defense contracts to heavily subsidized foreign industry as means of maintaining allied NATO support. Many of us, however, have criticized such contracting policy for the injury that it does to America; injury in terms of lost jobs, an exacerbated trade deficit and weakening of the domestic defense industrial base.

For example, the Senator from New Mexico (Mr. BINGAMAN) has recognized the potential threat to national security that such a foreign contracting policy could inevitably create. He is quoted in the New York Times as saying:

To the extent that we are contracting out and depending upon foreign companies to accomplish our research, we are losing our cutting edge in technology.

The Senator from Massachusetts (Mr. KERRY) has also disputed the awarding of contracts to less costly foreign bidders. Senator KERRY has said:

The secondary cost of us going to the low bidder are more than made up for by the losses to the economy—lost jobs, competitiveness, employment benefits and market share.

It has been my observation, as well as that of others, that over the past 7 years the Department of Defense has reduced its purchases from U.S. sources in those situations where it could have legally made a choice between American and foreign sourced products. Although these actions have probably not been inconsistent with current law, they have had an adverse impact on the continued viability of American defense industries, which in turn could have long term effects on our national security, especially in times of crisis.

Accordingly, I asked the General Accounting Office to analyze DOD procurement practices to ascertain whether they also observed this change occurring. I also asked for a judgment as to the impact of any such change on the health of the domestic industries affected by it.

The GAO report on the Defense Department's assessment of industries critical to the defense industrial base did not show significant increases in the value of DOD prime contracts awarded to foreign sources but made clear that there is not adequate data maintained on subcontracting for parts and components. Obviously, the problem of a weakened industrial base is not related simply to the health of prime contractors; rather it is also closely tied to awards of subcontracts to foreign bidders. It is the small American businessman who is injured by such a policy, a policy which often

unfairly favors highly subsidized bids by foreign competitors.

In reviewing the defense industrial base with the help of the Logistics Management Institute [LMI], a Federal Funded Research and Development Center, the Defense Department concluded that the following are the top 25 defense critical industries which have been most adversely affected by these trends in the past 6 years:

- Steel springs.
- Industry trucks and tractors.
- Nonmetallic mineral products.
- Asbestos products.
- Rubber and plastic footwear.
- Farm Machinery and equipment.
- Finishing plants not elsewhere classified (NEC).
- Metal barrels, drums, and pails.
- Holsts, cranes, and monorails.
- Electrical industrial apparatus (NEC).
- Steel foundries (NEC).
- Machine tools and metal cutting.
- Women's footwear, except athletic.
- Machine tools and metal forming types.
- Boot and shoe cut stock and findings.
- Fur goods.
- Construction machinery.
- Footwear, except rubber, NEC.
- Carbon and graphite products.
- Men's and boy's outerwear.
- Textile machinery.
- Textile bags.
- Hats, caps, and millinery.
- Sewing machinery.
- Motorcycles and bicycles.

I would note in passing, in view of the recent debates in the Senate, the high ranking of footwear and textile categories on this list. Although ranked in order of damage and not in order of importance to DOD, these nonetheless are all items determined to be defense critical.

Mr. President, this is only the top of the list. My office has heard many complaints from critical industries who believe that they may have been adversely affected by DOD procurement practices. Most notable among them are ball and roller bearings, iron and steel forgings, screw machine products and fasteners, and semiconductors and related products. The following data reflects the adverse trends which these industries are experiencing.

Imports' share of our market, a primary indicator of competitiveness, for ball and roller bearings increased from 12.2 to 16.6 percent and screw machine products rose from zero to 10 in the period 1980 to 1986.

Change in capacity is another important indicator of an industry's health. The measure of capacity growth that LMI selected is practical capacity: The maximum level of production possible with the equipment in place and a realistic work schedule. For iron and steel forgings, that figure decreased by 3.5 percent, and screw machine products decreased by 1.4 percent from 1980 to 1985. During this period, U.S. overall manufacturing capacity grew

1.5 percent annually, but of the 160 critical defense industries, 94, or 59 percent, performed below that overall average. The defense industries with the greatest decline in capacity were aluminum rolling and drawing, steel foundries, industrial trucks and tractors, and primary copper.

The GAO report also provided LMI's figures on the annual percentage change in manufacturers' shipments. These shipments are a measure of the activity in each defense critical industry. A negative or low growth demonstrates slow demand growth, which may lead to reduced investment and growth in capacity. The ball and roller bearing industry fell by 2.9 percent. Iron and steel forgings fell by 5 percent, and screw machine products increased only by 0.6 percent in comparison with the 1.4-percent per year growth of shipments for all manufacturing combined. There are other measures of industry health, such as investment ratios and average return on fixed assets, that also reveal similar deterioration.

The Department of Defense has recognized that it must take action if this erosion of our domestic defense industrial base is to be halted. DOD has made efforts to assist selected sectors, particularly semiconductors, gas turbine engines, machine tools, ball bearing and forgings. The recent report prepared at the direction of Under Secretary of Defense (Acquisition) Robert Costello recommends establishing a manufacturing strategy committee to advise the Under Secretary of Defense for acquisition on ways to improve the defense contractor manufacturing technology and industrial processes. The report, "Bolstering Defense Industrial Competitiveness," lists several steps toward improving the planning and manufacturing capabilities of second-tier defense contractors. In particular, the report recognizes that subcontractor performance has had limited visibility in high-level DOD attention notwithstanding its clear importance in the procurement process:

The Department of Defense procurement processes are focused on prime contractors, even though purchased materials and components supplied by subcontractors represent 50 to 85 percent of the total cost. The Department does not require or encourage vendors' participation in strategic planning decisions or design processes. In fact, requirements of the competition advocates for free and open price competition for subcontractors and suppliers have the effect of keeping the supplier base in constant turmoil and make it virtually impossible for defense contractors to build a stable base of reliable, high quality, cost-effective vendors. This is the opposite of the practice generally credited for the high quality of Japanese products.

Although the Department of Defense plans a number of programs to rectify the problems in the defense industrial base, I believe legislation is

also needed to further advance and direct these efforts. My bill will encourage increased utilization of domestic firms in the performance of defense contracts by spurring prime defense contractors to consider domestic industry at the subcontractor level. The bill requires DOD to consider in its bid review process the amount of domestic subcontracting that prime contractors include in their bids.

This bill is modeled in part on Public Law 95-507, enacted in October, 1978, which is intended to ensure that small businesses are given "the maximum practicable opportunity to participate" in Government contracts. This participation is to be evidenced in the subcontracts of prime contractors. The winner of a contract must meet with the procurement officer of the Government agency involved and work out an agreement which gives small business a certain percentage of all subcontracts.

"Unfortunately, Public Law 95-507 has had a number of enforcement problems which my bill hopes to avoid. First, the Secretary of Defense will be required to publish and furnish an explanation of all laws, regulations and Department policies which encourage the use of property manufactured and services provided by domestic firms in performance of DOD contracts. Furthermore, the Secretary must publicize the availability of these materials.

The main thrust of the bill is designed to ensure American companies adequate access to Government contracts. Each bid or proposal submitted by a contractor in connection with a contract solicitation issued by DOD shall specify the minimum percentage of the total dollar amount of the contract that is to be performed by domestic firms. Each bid must also include a plan under which not less than the minimum percentage of the total dollar amount referred to above will be performed by domestic firms. The percentage amount of domestic subcontracting listed in the bid shall be a significant factor in the evaluation of the bid or proposal and the subsequent awarding of the prime contract. Any contract awarded will include a requirement that at least the minimum percentage of domestic subcontracting promised in the bid will be commissioned.

The bill also has a clause to address complaints. If an interested party submits a complaint that a contractor has failed to comply with the contract's requirements, the Department's Inspector General must investigate. If the complaint is valid, the Department must require the contractor to take corrective action reasonably available or impose sanctions as determined by the Inspector General.

Mr. President, it is past time that Congress provide responsible incen-

tives to insure increased participation by American industry in the defense procurement process and by doing so to maintain the integrity and viability of our defense industrial base. Failure to do that only harms our national security, it destroys jobs and contributes to the further decline of our manufacturing sector. This legislation is a modest but constructive effort to remind everyone that buy American is a pro-American policy.

Mr. President, I ask that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UTILIZATION OF DOMESTIC FIRMS TO PERFORM DEPARTMENT OF DEFENSE CONTRACTS

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2330. Performance of Department of Defense contracts by domestic firms

“(a) PUBLICATION OF NOTICE OF BUY AMERICA POLICIES.—(1) The Secretary of Defense shall—

“(A) furnish to any person, upon request, materials containing an explanation of all laws, regulations, and Department of Defense policies and practices which require or encourage the use of property manufactured or produced and services provided by domestic firms in the performance of Department of Defense contracts; and

“(B) publicize, on an ongoing basis, the availability of the materials referred to in clause (A).

“(2) The Secretary shall publicize the availability of the materials referred to in paragraph (1)(A) by means that—

“(A) provide the maximum practicable publicity for the availability of such materials; and

“(B) are likely to provide actual notice of the availability of such materials to the maximum practicable number of small business concerns.

“(b) MINIMUM DOMESTIC CONTENT.—(1) Each bid or proposal submitted by a contractor in connection with a contract solicitation issued by a military department or Defense Agency shall—

“(i) specify the minimum percentage of the total dollar amount of the contract that is to be performed by one or more domestic firms; and

“(ii) except as provided in paragraph (2), include a plan under which not less than the minimum percentage (referred to in clause (A)) of the total dollar amount of the contract will be performed by one or more domestic firms.

“(2) A contractor shall not be required to submit a plan referred to in paragraph (1)(A)(ii) in connection with any bid or proposal if the contractor submitting the bid or proposal includes in the bid or proposal a certification that the contractor will perform the entire contract and that the contractor is a domestic firm.

“(3) For the purposes of section 2305 of this title, the matters included in a bid or proposal pursuant to paragraph (1)—

“(A) shall be significant factors in the evaluation of the bid or proposal; and

“(B) shall have such importance in relation to other significant factors as the Secretary of the military department or head of a Defense Agency soliciting the bid or proposal may assign.

“(4)(A) Any contract awarded on the basis of a bid or proposal referred to in paragraph (1) shall include a requirement that at least the minimum percentage of the total dollar amount of the contract specified in such bid or proposal pursuant to such paragraph be performed by one or more domestic firms.

“(B) A material element in the performance of a contract referred to in subparagraph (A) shall be compliance by the contractor with the requirement included in the contract pursuant to such subparagraph.

“(c) COMPLAINT RELATING TO FAILURE TO ACHIEVE MINIMUM PERCENTAGE OF DOMESTIC PERFORMANCE.—(1) If, in the case of a contract awarded by the Secretary of a military department or the head of a Defense Agency, any interested party submits in writing to the Inspector General of the Department of Defense a complaint that a contractor has failed to comply with any requirement of a contract referred to in subsection (b)(4), the Inspector General shall—

“(A) investigate the complaint;

“(B) determine whether the complaint is valid; and

“(C) if the complaint is valid, determine—

“(i) what, if any, corrective action is reasonably available and appropriate for the contractor to take at the time the Inspector General determines that the complaint is valid; and

“(ii) what, if any, sanctions it is appropriate to impose against the contractor.

“(2) The Secretary of a military department or the head of a Defense Agency that awarded a contract referred to in paragraph (1) shall require the contractor to take all corrective actions determined reasonably available and appropriate by the Inspector General under paragraph (1) and impose against the contractor all sanctions determined appropriate by the Inspector General under such paragraph.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘domestic firm’ means any business entity which is not a foreign firm.

“(2) The term ‘foreign firm’ means a business entity owned or controlled by one or more foreign nationals or a business entity in which more than 50 percent of the voting stock is owned or controlled by one or more foreign nationals.

“(3) The term ‘interested party’, with respect to a contract which contains a requirement referred to in subsection (b)(4), means—

“(A) any person who submitted a bid or proposal for such contract but was not awarded the contract;

“(B) any domestic firm which, at the time a subcontract under such contract is awarded by the prime contractor to a foreign firm, is ready, willing, and able to perform such subcontract; and

“(C) any other person aggrieved by a failure of the contractor to comply with such requirement.

“(4) The term ‘small business concern’ means a small business concern within the meaning of section 3 of the Small Business Act (15 U.S.C. 632).”

(b) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2330. Performance of Department of Defense contracts by domestic firms.”

SEC. 2. EFFECTIVE DATE

The amendments made by section 1 shall take effect with respect to contract solicitations issued by the Department of Defense on or after the date of the enactment of this Act.

By Mr. HEINZ (for himself, Mr. ROCKEFELLER, and Mr. WALLOP):

S. 2787. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the exploration and development of coal resources; to the Committee on Finance.

COAL PRODUCTION TAX INCENTIVE ACT

Mr. HEINZ. Mr. President, I note from remarks the majority leader has made on other occasions that it is his expectation we will take up the U.S.-Canada free trade agreement. I point out, Mr. President, that under that agreement, the United States and Canada would move toward opening their borders on much less restricted bases to goods and services produced in our two respective countries and ultimately we could reach an integrated economic unit, a market, if you will, for most of North America, although I must tell you the free trade agreement that will be before us does not go anywhere near that far.

As we start to move down this path, however, we must be mindful that our two countries have very different standards for the conduct and treatment of their industries. Recognizing this, and recognizing that industries important to the economic health of Pennsylvania compete both directly and indirectly with similar industries in Canada that receive a more favorable treatment, I am introducing this measure, along with Senators WALLOP and ROCKEFELLER, to create a more level playing field in the tax treatment of extractive industries like coal. While this legislation may not totally level the playing field, it will permit United States coal producers that compete directly with Canadian coal producers, or that compete in the sale of coal for the production of electricity, to compete on more equal terms.

Mr. President, it is a well-known fact that the coal industry in Pennsylvania is integral to the economic health of several regions of the Commonwealth. However, very few people understand exactly what this means. The production of each one million tons of coal in Pennsylvania is directly responsible for 300 mining jobs with a payroll of approximately \$10 million; each million tons is also responsible for 250 jobs in supporting industries with a payroll exceeding \$6 million. In 1986, 71.5 million tons of coal were produced in the State of Pennsylvania; generating over 39,000 jobs directly and indi-

rectly and nearly \$95 million in payroll in our Commonwealth.

Despite the coal industry's importance, the industry has gone through a major retrenchment in recent years. Since 1970, when there were 407 deep mines and 890 surface mines, the total number of operating mines has been cut nearly in half. Moreover, from a peak employment of 190,000 Pennsylvania coal miners earlier in this century, we have dropped to an all-time low of 17,000 miners in my State during 1987. This is less than 10 percent of peak employment. Pennsylvania coal miners know what retrenchment means in ways that few other industries can understand.

In rural Pennsylvania the loss of jobs in the coal industry has been particularly devastating. In Greene County, about 50 miles south of Pittsburgh, as recently as 1979 there were 4,500 miners on the job. In 1987 there were only 2,400 left with jobs. These massive job losses in the local fields is directly responsible for Greene County's double digit unemployment rate.

Other Pennsylvania counties have been equally hard hit. A decade ago, in nearby Cambria and Somerset Counties there were nearly 10,000 coal miners employed. Today there are only 3,700 miners working. Unemployment in these coal mining areas is well above the national average of 5.5 percent. Indeed, the recorded unemployment rate would be much higher in these areas if Labor Department statistics took into account the literally thousands of unemployed workers in both counties who aren't counted because they have given up looking for work or who have moved elsewhere in search of jobs.

The drastic reduction in coal mining activity in Pennsylvania is a result of many factors. One of the most salient factors is the increasing competition—not all of it "fair"—in both the world and domestic markets to supply coal for electricity production.

Canada's Federal income tax system has deductions and incentives much more liberal than those provided coal mining companies in Pennsylvania and the United States. For example, mining companies in Canada are permitted to deduct all exploration and development expenses, and are provided a depletion allowance of 25 percent. A variable investment tax credit is also provided, and the current Canadian federal corporate income tax rate is phasing down to 33 percent, basically the same as the United States will be in 1989. Although, on the surface, the tax rates seem comparable—this masks the underlying reality—Canada does not have a black lung tax. It does not have an abandoned mined land fee. These taxes collectively total \$1.25 per ton for underground coal and \$0.90 a ton for surface coal in the United States, which add over \$70 mil-

lion a year to the cost of doing business for Pennsylvania coal mining alone.

While we cannot change the Canadian tax laws, we can modify our tax laws and put our industries on equal footing by eliminating the disadvantages inherent in our own system. The bill that we are introducing would provide tax treatment similar to that available to the Canadian coal industry and would:

First. Restore the percentage depletion rate for coal to the pre-1983 levels (that is, 10 percent of gross mining income instead of the current 8 percent).

Second. Reduce from 100 percent to 50 percent the amount of the percentage depletion allowance which is included as a preference in the alternative minimum tax base (similar to the treatment of book income).

Third. Restore full expensing for exploration and development costs, applicable to both regular taxpayers and alternative minimum tax taxpayers.

Fourth. Provide full credit for payment of abandoned mined lands fees against obligations under the superfund excise tax. Under current law, the coal industry is being assessed under both programs.

Mr. Chairman, a recent report by the Department of Commerce found that our coal industry was at a competitive disadvantage. That is taxes, as a percentage of production costs for Canadian companies, range from 1 to 16 percent, while in the United States, taxes range from 17 to 24 percent of production costs. Mr. President, it's pretty simple—with this disadvantage no matter how hard our miners work and no matter how much our coal companies invest in more efficient machinery and technology, the United States coal industry won't keep up with its chief competitors in Canada. Indeed, one could say under the circumstances that the harder American coal miners work the farther behind they fall—as a direct consequence of Federal tax policies.

Mr. President, when we consider the United States-Canada FTA we want to enhance the movement of goods and services between Canada and the United States. However, we also want to make sure that this agreement will not result in our industries being put at a disadvantage because of our tax system.

Through the tax changes reflected in my proposal, United States coal producers will be able to compete on a more level playing field with their counterparts in Canada.

Mr. President, I urge my colleagues to support this legislation. I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2787

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coal Production Tax Incentive Act of 1988".

SEC. 2. REPEAL OF REDUCTION IN PERCENTAGE DEPLETION FOR COAL.

(a) IN GENERAL.—Paragraph (2) of section 291(a) of the Internal Revenue Code of 1986 (relating to reduction in percentage depletion) is amended by striking out "and coal (including lignite)".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1988.

SEC. 3. ONLY 50 PERCENT OF COAL DEPLETION ALLOWANCE TAKEN INTO ACCOUNT FOR ALTERNATIVE MINIMUM TAX

(a) IN GENERAL.—Section 291(a)(2) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new sentence: "In the case any deduction allocable to coal (including lignite), the preceding sentence shall be applied by inserting '50 percent of' before 'the excess'".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1988.

SEC. 4. COAL EXPLORATION AND DEVELOPMENT COSTS.

(a) IN GENERAL.—Section 291(b) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(6) SUBSECTION NOT TO APPLY TO COAL EXPLORATION AND DEVELOPMENT COSTS.—This subsection shall not apply to any costs allocable to coal (including lignite) deposits."

(b) MINIMUM TAX.—Subparagraph (A) of section 56(a)(2) of such Code is amended by adding at the end thereof the following new sentence: "This subparagraph shall not apply to any deduction for cost allocable to coal (including lignite) deposits."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred after December 31, 1988, in taxable years ending after such date.

SEC. 5. ENVIRONMENTAL TAX REDUCED BY AMOUNTS PAID FOR COAL MINING RECLAMATION COSTS.

(a) IN GENERAL.—Section 59A(c) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(3) REDUCTION FOR QUALIFIED RECLAMATION COSTS.—The amount of the tax imposed by this section shall be reduced by the amount paid during the taxable year for the fee described in section 402(a) of the Surface Mining and Reclamation Act of 1977."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1988.

By Mr. DURENBERGER (for himself and Mr. BAUCUS):

S. 2788. A bill to amend the Solid Waste Disposal Act; referred to the Committee on Environment and Public Works.

CORRECTIVE ACTION AT STEEL FACILITIES

Mr. DURENBERGER. Mr. President, I am today introducing legislation to amend the Resource Conservation and Recovery Act [RCRA] with respect to the cleanup of hazardous wastes at

steel and aluminum manufacturing facilities across the country. This legislation has been developed in consultation with representatives of the steel industry. I am pleased that Senator Baucus, who chairs the subcommittee with jurisdiction over RCRA, has agreed to join with me on this bill.

In 1984, the Congress amended RCRA adding two new requirements for the cleanup of facilities releasing hazardous waste into the environment. One provision mandated the cleanup of all existing units at any facility before any new unit could receive a permit for waste treatment or disposal. The other provision gave EPA the authority to order cleanup at units which are known to be releasing wastes. EPA has been working diligently over the past 4 years to develop regulations that will implement these two legislative mandates. It is expected that the so-called corrective action regulations may be promulgated sometime this winter, and when they are, many industrial facilities which have disposed of waste on-site will be facing a big cleanup job.

This task will be especially difficult for the steel industry where many plants have been operating—and disposing of waste—on the same site for decades. Some of the larger steel producing facilities may have dozens of separate units on a single piece of property. The way RCRA works, each of those units must be cleaned up to the boundary of the unit, before any new waste management operation at the site can receive a permit.

Some companies in the industry commissioned a study of the potential cost of this cleanup task. The study, which was based on a thorough analysis of waste disposal practices for a hypothetical integrated steelmaking plant located in a river valley and disposing of waste on-site since the early part of this century, estimates the average costs of cleanup under RCRA as currently written at \$40 million per facility, \$34 million of that expense is capital costs. Most of those costs are for ground water cleanup, an extraordinarily expensive undertaking. It goes without saying that the American steel industry would find it very difficult to finance that kind of cleanup expense given the economic circumstances which it faces.

Environmental managers for some of the companies looking at these costs asked if there might be a more rational way to approach the problem—to provide adequate environmental safeguards, but take into account the nature of the industry and the way it has developed. And they have recommended an approach which is somewhat different than current law. Their recommendation is that we move the point of compliance for environmental standards from the boundary of each individual solid waste management

unit to the property boundary for the whole facility. Let me say again that most large plants will contain many existing units. And RCRA requires that they all be cleaned up right to the edge of the unit, even if that means cleanup in the middle of a large operating steel plant.

The alternative is compliance at the boundary of the entire facility. This alternative would reduce average cleanup costs to approximately \$8 million but would continue to afford protection for health and environmental resources anywhere outside the plant's fence line. To assure that no contaminants crossed the boundary at levels that would be hazardous, each facility would have to conduct ground water monitoring within the plant area and at a distance from the boundary sufficient to assure that cleanup measures could be implemented before any contaminated plume of ground water affected environmental quality outside the plant. The monitoring would continue so long as the plant was in operation. When operations ceased, plant owners would be required to provide financial assurances sufficient to operate the monitoring equipment and any remedies in effect for a period of 30 years. The assurances would also include a contingency for any corrective action that might become necessary after plant closure.

Mr. President, this is a very responsible proposal made by a major industry to assure environmental protection. I am pleased to be the author of this bill in the Senate. There are only a few weeks remaining in this Congress and it is unlikely that we will have time to move the bill now. But we are introducing it so that it might receive the fullest possible discussion and be available for action early next year. The RCRA requirements will begin to be felt as soon as the corrective action rules are promulgated and we will seek passage of this bill as emergency relief in the first few months of the next Congress.

Mr. President, I would ask that the text of the bill be printed in the RECORD along with my comments this afternoon.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SECTION 1. Section 3004(u) of the Solid Waste Disposal Act is amended by inserting "(1) after '(u)' and by adding at the end thereof the following new paragraph:

"(2) For the purposes of this subsection and section 3008(h), corrective action with respect to groundwater at any existing solid waste management unit at any facility that is in Standard Industrial Classification Codes 331 or 3334 shall be construed to mean:

"(A) the selection and implementation of corrective measures that assure that groundwater protection standards are met at the facility property boundary during the period such facility remains in operation and the additional period provided under subparagraph (C);

"(B) the implementation of groundwater monitoring at the facility property boundary and at appropriate points within the facility taking into account the nature of the solid waste management units, any releases, and the hydrogeological setting, so that, to the extent practicable and necessary to ensure that groundwater protection standards are met at the facility property boundary, corrective measures can be taken in advance of hazardous constituents reaching the facility property boundary; and

"(C) the inclusion in the schedule of compliance contained in a permit or order of a requirement that upon cessation of industrial operations at the facility in which the solid waste management units are located, if all hazardous waste and hazardous constituents in concentrations in excess of medical protection standards are not removed from such facility, the owner or operator of such facility shall establish a fund or provide other assurance of financial responsibility in accordance with subsection (t) in an amount adequate to assure monitoring and the operation and maintenance of corrective measures under this paragraph for a period of 30 years after such cessation of operations, including a reasonable contingency for additional corrective measures that may prove necessary during such period. For the purposes of this subparagraph, the sale or other transfer of the facility of another entity that intends to continue industrial operations at such facility and accepts the obligation to continue corrective measures under this paragraph shall not constitute a cessation of operations." ●

By Mr. DURENBERGER:

S. 2790. A bill entitled the "Narcotics Enforcement Simplification Amendment of 1988"; to the Committee on the Judiciary.

NARCOTICS ENFORCEMENT SIMPLIFICATION AMENDMENT

● Mr. DURENBERGER. Mr. President, today I am introducing the Narcotics Enforcement Simplification Amendment of 1988.

One of the major difficulties for prosecutors since the enactment in 1970 of the Controlled Substances Act is the element of intent set forth in section 841. It is a costly and difficult element to prove. Major, well-known drugstore robbers defend themselves in court on the theory that they intended to consume the drugs with which they were arrested. They present expert testimony as to how much drugs an addict can devour and make large claims as to their personal capacities. Based on this facetious evidence, crooks are getting off with a slap on the wrist and not penalized the way they should. This happens even when law enforcement officials have confidential information to the contrary from the illicit store fronts where they resell the stuff.

In addition, lawyers, for crack dealers hold up the deceptively small quantity of evidence and argue to a jury that this was surely an amount that only an addict was going to use. Finally, the accessories to the crime—drivers, guards, and so forth—claim they were merely there to get some for personal use. The result is that great amounts of trial time are given over to pharmacological evidence on how much is consumed by the average user, packaging, and drug notations to indicate an intent to distribute, if indeed the agent is fortunate enough to find some evidence.

As a consequence of the existing intent requirement, cases in Minnesota involving serious crack dealers, serious offenders arrested with low inventory, and serious drugstore robbers have resulted in juries acquitting of the felony count and convicting merely upon the misdemeanor offense. Other cases have been declined and not prosecuted.

The old laws, under 26 United States Code, section 4701, et seq. did not have the intent element. The intent element seems to have risen from an unnecessary sensitivity in the late 1960's and early 1970's to distinguish between the person who intended to sell drugs as opposed to the person who intended to only use a drug substance. In reality, Federal prosecutors are busy and preoccupied with distributors. By inclination and prosecutive discretion they use 21 United States Code, section 844, for so-called simple possession cases and section 841 for dealer cases. Increasingly, also, it is recognized that the user is part of the problem and should not be given expensive, special protection. If a particular user has so much drug that he looks like a dealer, should he really have the right to complain if he finds himself prosecuted under section 841? I don't think so, in reality, anyone with a good salable quantity of drugs inevitably distributes it to others either through proselytizing, or encouraging use among his friends and acquaintances, or selling to support his habit.

Experts at all levels of law enforcement support adoption of this measure.

However, I must add a word of caution, Mr. President. When this amendment is accepted, it should not create a vacuum that will suck a structure of penalties prorated to quantities of drug. This would be as inefficient as new drugs come up unseen and, more importantly, it would again complicate the law and would defeat the purpose of this amendment. One may observe that the Sentencing Reform Act of 1984 which became effective on November 1, 1987, has guidelines providing that a certain quantity of drugs requires that the court impose a certain

sentence. Thus, the penalty is already structured.

Analogously, there is a similar hierarchy of offenses in the Internal Revenue Code. (See sections 7206 and 7207, each forbidding false statements in connection with tax returns, one being a felony and one a misdemeanor.) Both the Supreme Court and the United States Court of Appeals for the Eighth Circuit—which includes Minnesota—have concluded "When an act violates more than one criminal statute, the Government may prosecute under either, and the decision is generally a matter of prosecutorial discretion. *United States v. Batchelder*, 442 U.S. 114, 123-124 (1979)" as cited in *United States v. Armijo*, 834 F.2d 132, 136 (8th Cir. 1987).

Thus, Mr. President, I urge my colleagues to consider and accept this amendment as they consider the Omnibus Anti-Drug Abuse Act of 1988. I do so because I believe that: First, persons who have drugs most often proselytize and induce others to use them; second, the burden upon law enforcement and Federal prosecution to prove intent of the possessor of unlawful drugs is unnecessary, time consuming, and expensive; third, the valuable resources of the judicial system are wasted in the pursuit of intent; fourth, existing statutes, namely 21 United States Code, section 844, adequately provide for the prosecution of persons who possess small quantities of drugs as addicts or mere users; and fifth, the development of drugs which are highly potent in small volumes such as "crack" blurs the distinction between drugs merely possessed and drugs possessed with intent to such that juries are confused and prosecution is made excessively difficult.●

By Mr. DECONCINI (for himself and Mr. McCAIN):

S. 2791. A bill to add additional land to the Salt River Pima-Maricopa Indian Reservation in Arizona, and for other purposes; referred to the Committee on Indian Affairs.

SALT RIVER PIMA-MARICOPA INDIAN RESERVATION

● Mr. DECONCINI. Mr. President, today I am introducing on behalf of myself and my colleague, Senator JOHN McCAIN, a bill which authorizes the modification of the southern boundary of the Salt River Pima-Maricopa Indian Reservation in Arizona. The boundary modification is part of an agreement which has been negotiated by the State of Arizona and the Salt River Pima-Maricopa Indian Community to provide tribal lands for the eastern segment of the Outer Loop freeway. This freeway is important to the Phoenix metropolitan area which has been experiencing astronomical growth in the past few years. Once built it will alleviate the traffic congestion in the Phoenix area while

improving the transportation system serving the communities in the valley.

Under the negotiated agreement, the tribe will provide some of its reservation lands for the freeway. To compensate the tribe for the land it will give up, the bill adds lands to the tribe's reservation. The lands to be added to the reservation are BLM lands. The BLM will be compensated by the State with lands it owns. The bill we are introducing will authorize the exchange of State lands for BLM lands as well as the modification of the tribe's reservation boundaries to include the BLM lands after the exchange. Finally, the addition of the exchanged lands to the reservation will not occur until the actual right-of-way agreement has been signed by the State and tribe.

I want to commend the State of Arizona, the Salt River Pima-Maricopa Indian Community and the Bureau of Land Management for the cooperative spirit in which they have worked out this agreement. As a result of their fine work, we are much closer to realizing long-needed improvements in the Phoenix metropolitan freeway system. I urge my colleagues to join Senator McCAIN and me in support of their efforts by giving expeditious consideration to this bill. Thank you.●

● Mr. McCAIN. Mr. President, I thank my colleague, Senator DECONCINI. I am pleased to join him today to introduce this important legislation which will help clear the way for vital freeway construction work in the Phoenix area.

As you know, Mr. President, Arizona is one of our Nation's fastest growing States. Our highway and transportation needs have grown commensurately. To accommodate this rapid growth, we have embarked on the construction of new freeways in Phoenix and the surrounding communities. One of the vital components of this program is the Outer Loop, which will circle the Phoenix metropolitan area, relieving traffic congestion and providing easier access to cross town locations.

An 8-mile portion of the Outer Loop, Mr. President, known as the Pima Leg, will be constructed on tribal lands belonging to the Salt River Pima-Maricopa Indian Community. The measure we are introducing today seeks to compensate the tribe for the land it will relinquish due to the road alignment. The bill expands the reservation boundaries to encompass certain lands now held by the Bureau of Land Management. The BLM will in turn receive compensation from the State of Arizona.

Mr. President, great credit is due the Salt River Pima-Maricopa Indian Community, the State department of transportation, the Bureau of Land Management and the affected land owners for their cooperation and hard work in coming to the fair and equita-

ble arrangement embodied in this legislation. I look forward to working with my colleagues on this matter and urge its expeditious consideration and enactment.●

By Mr. ROTH:

S.J. Res. 377. Joint resolution proposing an amendment to the Constitution regarding federal taxation of State obligations; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT REGARDING FEDERAL TAXATION OF STATE OBLIGATIONS

Mr. ROTH. Mr. President, today I am proposing a constitutional amendment to overturn the supreme court's unfortunate decision in *South Carolina against Baker*, decided on April 20, 1988. In that case the Supreme Court construed the 10th amendment, the guarantee clause, and the doctrine of federalism implicit in the Constitution as conferring no rights on States to issue bonds free from Federal taxation. The ability to issue tax-exempt bonds has been and continues to be an important tool for our State and local governments to build schools, bridges, roads, hospitals, and many other public projects. The effect of the Supreme Court decision is to invite a revenue-hungry Congress to dine at the table of State and local governments.

Unless this decision is overturned, there is no question that Congress will accept the invitation to eat away at the tax-exempt status, now lacking constitution protection, of State and local obligations.

Without wading into the niceties of the doctrine of intergovernmental tax immunity, the Court apparently was satisfied by the fact—perhaps, I should say, by the mere formalism—that Congress taxes State bonds by imposing the tax on the bondholder and not the issuer. What the Court overlooks is the practical impact of Federal taxation of State bonds, even if the tax is paid by the bondholder. To say that the payment of tax by the bondholder does not adversely affect the issuer is to deny reality.

In the early days of our republic, Chief Justice Marshall observed that "the power to tax involves the power to destroy." *McCulloch v. Maryland*, 4 wheat, 316, 431 (1819). Later Justice Holmes was to observe that "the power to tax is not the power to destroy while this Court sits." *Panhandle Oil Co. v. Mississippi Ex Rel. Knox*, 277 U.S. 218, 223 (1928). In *South Carolina against Baker* the Court says, in effect, that it no longer cares about the "power to destroy" as long as the means of destruction are not direct and not discriminatory.

Well, I care. The power to tax does involve the power to destroy. We must, therefore, exercise Federal taxing authority with caution. States cannot be States in our federal system, they

cannot be sovereign, unless they have their very own source of revenue free from Federal encroachment.

The Supreme Court's admitted lack of concern over the deterioration of federalism stands in marked contrast to its vigilance in policing the separation-of-powers doctrine. While the Court has time and again declared the separation of powers among the three branches to be central to the Constitution and has been willing to upset established institutions to vindicate that central concern, the Court has clearly given notice that it will not police federalism in any similar way.

The irony is that federalism and the separation of powers were conceived by the framers as twin doctrines to safeguard political freedom. The framers believed—and so do I—that if the responsibilities of governing this country were divided between the Federal Government and the States and further dispersed among three branches, freedom would be assured and democracy strengthened. By dividing and separating powers, the opportunity for monarchy and for tyranny is foreclosed. Moreover, the power of the people is maximized since decisions of government are made by different officials, each responsible for a limited area. By holding different officials discreetly accountable for their welfare, the electorate exercises greater control over their destiny.

Once the genius of federalism is understood, it will come as no surprise that the decline in federalism has run concurrently with an increase in electoral apathy. The decline of federalism means that people are losing freedom and losing control of government. As every important issue becomes federalized, there is less and less that the people can do to influence government. More and more the electorate is confronted with all-inclusive Federal solutions by Federal officials. As Federal officials become the only officials that count, State and local offices become less relevant to the people.

This decline in federalism concerns me. While my proposed constitutional amendment does not address this problem in all of its ramifications, it does address the heart of the problem. For State sovereignty and local autonomy are nothing so long as burdens may be imposed on raising revenue.

The amendment that I am today introducing may not be the perfect answer, the last word. But it is the first step of a most important journey. I am well aware of how our Federal income tax laws got to be what they are. I am aware of past abuses by State and local governments, which our tax laws have addressed. But I am also aware that much we have done has been driven simply by the need to raise revenue. This must be stopped.

The simple elegance of the proposed amendment may strike some tax spe-

cialists as vague. But the Constitution should not address issues with the strict particularity of the Internal Revenue Code. There must be some flexibility. The courts will have to define the amendment's meaning on a case-by-case basis. And, more important, the courts will once again be commissioned to police this most critical aspect of federalism.

The amendment states simply that "the United States shall not have the power to lay and collect taxes on incomes derived from the obligations of the several States issued for a public purpose."

While the amendment borrows its phrasing from the 16th amendment, it is intended to be more than an exception to that provision. Rather it is, more broadly, an exception to the taxing power of the United States. The phrase "incomes derived from . . . obligations" refers to the interest income of the bondholder which the issuer is obliged to pay and not to any capital gain the bondholder may realize upon sale to another bondholder. The language thereby incorporates a historic distinction made between interest and capital gains with respect to tax-exempt bonds.

The amendment would not exempt all State obligations but only those "issued for a public purpose." This limitation is intended to address the concerns of many that a total exemption might be abused. Very often State and local governments undertake to aid private parties in obtaining financing. In striking a balance between the sovereignty of the several States and the Federal Government's revenue needs, it seems unnecessary to allow the State to lend its prerogatives to others at the expense of Federal revenue interests.

I would expect this limitation to receive careful scrutiny, for it establishes the breadth of the exemption. I recognize that the limitation differs from current tax policy, but current tax policy may have to yield to the paramount purpose of restoring some measure of federalism to our system. While I am not wedded to the specific limitation contained in my proposal and while I would welcome constructive alternative formulations, I must indicate my opposition to any changes that would undercut the purpose of according traditional protection to State bonds issued to pay for the essential functions of a State government.

Finally, while the language of my amendment includes no reference to any political subdivisions of the States, this is only customary constitutional drafting. The protection accorded to a State would flow to any of the State's subdivisions acting under State law.

Were it not for certain fears regarding the amendment process, it would not be necessary to begin the process of restoring a State prerogative in a Federal forum. But fears regarding State initiatives under article V have petrified into dogma, so that the mere specter of a runaway convention chills State proposals for constitutional amendments. The framers intended that States be able both to propose and to ratify amendments. But fears have atrophied State political muscle while at the same time the Supreme Court has abandoned the defense of federalism, so that it is here, in this forum, that repair must begin. Let us begin now.

Thank you, Mr. President.

Mr. President, I ask unanimous consent that my joint resolution be included as part of the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 377

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

ARTICLE

The United States shall not have the power to lay and collect taxes on incomes derived from the obligations of the several States issued for a public purpose.

By Mr. HEINZ (for himself, Mr. SASSER, Mr. ROCKEFELLER, Mr. PACKWOOD, Mr. KERRY, Mr. ADAMS, Mr. HUMPHREY, Mr. GORE, Mr. EXON, and Mr. COCHRAN):

S.J. Res. 378. Joint resolution designating the week of October 2 through 8, 1988, as "National Wild and Scenic Rivers Act Week"; referred to the Committee on the Judiciary.

WILD AND SCENIC RIVERS WEEK

● Mr. HEINZ. Mr. President, I rise to introduce a joint resolution to designate the week of October 2 to October 8, 1988 "Wild and Scenic Rivers Week." This joint resolution will formally recognize and celebrate the achievements of the National Wild and Scenic Rivers Act over the last 20 years.

On October 2, 1968, the National Wild and Scenic Rivers Act was signed into law. This historic legislation signaled the beginning of concerted efforts to protect rivers in the United States. In the 20 years since its enactment, 75 of the Nation's riverine jewels have been permanently preserved through the implementation of the National Wild and Scenic Rivers

Act. The Wild and Scenic Rivers System today preserves over 7,700 miles of river in 28 States, and includes rivers ranging in character from bold, western whitewater, to southern blackwater bayous. Thanks to the foresight of congressional lawmakers 20 years ago, the lives of future generations of Americans will be enriched, as ours are today, by these national treasures.

The joint resolution I am introducing today, Mr. President, will also draw attention to the young and, as yet, unfulfilled Wild and Scenic Rivers System. Currently, only two-tenths of 1 percent of the Nation's rivers are protected by the act, while hundreds of deserving candidates await protection. The future of America's rivers depends upon the continued vibrancy of the Wild and Scenic Rivers Act, and the development of innovative river protection strategies. The National Park Service's State and Local River Conservation Assistance Program, as authorized by the Wild and Scenic Rivers Act, is working successfully toward this objective, but, ultimately, the future of our rivers lies with all who use and enjoy them.

I urge my colleagues to join me and the original cosponsors of this joint resolution, Senators SASSER, ROCKEFELLER, PACKWOOD, KERRY, ADAMS, HUMPHREY, GORE, EXON, and COCHRAN, in cosponsoring this resolution to help recognize the achievements of the past and draw attention to the needs of the future by designating the week of October 2, 1988 through October 8, 1988 as "Wild and Scenic Rivers Act Week."

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 378

Whereas river corridors are one of the most precious cultural and recreational values in the United States;

Whereas the Wild and Scenic Rivers Act provided for the establishment of a system of rivers to be protected as free-flowing streams for the public use and enjoyment for generations to come;

Whereas there are 3,500,000 miles of rivers in the United States, many of which are protected because of the establishment of the Wild and Scenic Rivers System;

Whereas the Wild and Scenic Rivers Act has encouraged through the State and Local River Conservation Assistance Program authorized by the act, the cooperative protection of river corridors by Federal, State, and local governments, private groups, and landowners;

Whereas public awareness of the importance of wild and scenic rivers must be raised and public and private cooperation encouraged to promote the continued protection of these precious river values; and

Whereas the Wild and Scenic Rivers Act was signed into law on October 2, 1968: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America

in Congress assembled, That the week of October 2 through 8, 1988, is designated as "National Wild and Scenic Rivers Act Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate programs and activities.●

ADDITIONAL COSPONSORS

S. 702

At the request of Mr. SIMON, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 702, a bill to provide for the collection of data about crimes motivated by racial, religious, or ethnic hatred.

S. 1340

At the request of Mr. PRYOR, the names of the Senator from Tennessee [Mr. SASSER] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1340, a bill to provide for computing the amount of the deductions allowed to rural mail carriers for use of their automobiles.

S. 1777

At the request of Mr. ARMSTRONG, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1777, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 2449

At the request of Mr. PRYOR, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 2449, a bill to amend title 39, United States Code, with respect to the budgetary treatment of the Postal Service, and for other purposes.

S. 2484

At the request of Mr. DANFORTH, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2484, a bill to amend the Internal Revenue Code of 1986 to enhance the incentive for increasing research activities.

S. 2531

At the request of Mr. MCCONNELL, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 2531, a bill to amend title 18 of the United States Code to create a criminal offense for public corruption.

S. 2666

At the request of Mr. STAFFORD, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 2666, a bill entitled the "Global Environmental Protection Act of 1988."

S. 2682

At the request of Mr. KARNES, his name was added as a cosponsor of S. 2682, a bill to provide that Members of Congress shall vote on any increase in the rates of pay of Members of Congress.

SENATE JOINT RESOLUTION 296

At the request of Mr. SHELBY, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Texas [Mr. BENTSEN], the Senator from North Carolina [Mr. HELMS], the Senator from North Dakota [Mr. BURDICK], the Senator from Michigan [Mr. LEVIN], the Senator from North Carolina [Mr. SANFORD], the Senator from Hawaii [Mr. INOUE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Tennessee [Mr. GORE], the Senator from Louisiana [Mr. BREAUX], the Senator from Rhode Island [Mr. PELL], the Senator from Michigan [Mr. RIEGLE], the Senator from Massachusetts [Mr. KERRY], the Senator from Idaho [Mr. MCCLURE], the Senator from Missouri [Mr. DANFORTH], the Senator from Wyoming [Mr. WALLOP], the Senator from Illinois [Mr. DIXON], the Senator from Mississippi [Mr. COCHRAN], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from Illinois [Mr. SIMON], the Senator from Mississippi [Mr. STENNIS], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 296, a joint resolution designating April 1989 as "National Outdoor Power Equipment Safety Month."

SENATE JOINT RESOLUTION 355

At the request of Mr. HEFLIN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Joint Resolution 355, a joint resolution designating October 7, 1988, as "National Teacher Appreciation Day."

SENATE JOINT RESOLUTION 361

At the request of Mr. PELL, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 361, a joint resolution designating the week of September 25, 1988, as "Religious Freedom Week."

SENATE JOINT RESOLUTION 363

At the request of Mr. SARBANES, the names of the Senator from Florida [Mr. GRAHAM], the Senator from California [Mr. CRANSTON], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Rhode Island [Mr. CHAFFEE] were added as cosponsors of Senate Joint Resolution 363, a joint resolution designating November 28 through December 2, 1988, as "Vocational-Technical Education Week."

SENATE JOINT RESOLUTION 369

At the request of Mr. KERRY, the names of the Senator from Alabama [Mr. SHELBY], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. WARNER], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Alabama [Mr. HEFLIN], the Senator from New York [Mr. MOYNIHAN], the Senator from Nevada [Mr. REID], the Sena-

tor from Michigan [Mr. LEVIN], the Senator from Texas [Mr. GRAMM], the Senator from Florida [Mr. CHILES], the Senator from South Carolina [Mr. THURMOND], the Senator from Kansas [Mr. DOLE], the Senator from Louisiana [Mr. BREAUX], the Senator from Virginia [Mr. TRIBLE], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 369, a joint resolution to designate the period of September 17 through October 10, 1988, as "Coastweeks '88."

SENATE JOINT RESOLUTION 371

At the request of Mr. SPECTER, the names of the Senator from Utah [Mr. HATCH], the Senator from Nevada [Mr. REID], the Senator from Louisiana [Mr. BREAUX], the Senator from Rhode Island [Mr. PELL], the Senator from Massachusetts [Mr. KERRY], the Senator from Mississippi [Mr. STENNIS], the Senator from California [Mr. CRANSTON], the Senator from Connecticut [Mr. DODD], the Senator from Vermont [Mr. STAFFORD], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 371, a joint resolution designating October 1988 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 373

At the request of Mr. BYRD, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 373, a joint resolution to designate the week beginning November 13, 1988, as "National Craniofacial Deformity Awareness Week."

SENATE CONCURRENT RESOLUTION 132

At the request of Mr. SIMON, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Concurrent Resolution 132, a concurrent resolution regarding the protection and promotion of human rights in the Republic of Singapore.

SENATE RESOLUTION 471—AUTHORIZING THE PRINTING OF A HISTORY OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURDICK (for himself and Mr. STAFFORD) submitted the following resolution; which was considered and agreed to:

S. RES. 471

Resolved, That a history of the Environment and Public Works Committee be printed, with illustrations, as a Senate document.

SEC. 2. There shall be printed additional copies of such document, the number of which shall be determined by a one thousand two hundred dollars (\$1,200) maximum expenditure, for the use of the Environment and Public Works Committee.

SEC. 3. Printing and binding of said document shall be done in the manner as shall be determined by the Joint Committee on Printing.

SENATE RESOLUTION 472—AUTHORIZING PRINTING OF BACKGROUND INFORMATION RELATED TO THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON (for himself and Mr. MCCLURE) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 472

Resolved, That there be printed with illustrations a Senate document background information relating to the history of the Senate Committee on Energy and Natural Resources in connection with its 172nd anniversary (1816-1988) and in observance of the Bicentennial of the United States Senate; and that there be printed for the use of the Committee additional copies of such document not to exceed the cost of \$1,200.

AMENDMENTS SUBMITTED

RETAIL COMPETITION ENFORCEMENT ACT

RUDMAN AMENDMENT NO. 3037

(Ordered to lie on the table.)

Mr. RUDMAN submitted an amendment intended to be proposed by him to the bill (S. 430) to amend the Sherman Act regarding retail competition; as follows:

Strike all beginning on page 3, line 10 through page 4, line 24, and insert in lieu thereof the following:

"SEC. 2. FINDINGS.

"(a) Consumer welfare is greatly enhanced by an ability to purchase goods and services at lower prices as a result of vigorous price competition;

"(b) vertical price restraints generally have an adverse impact on competition that results in higher consumer prices;

"(c) recent court decisions have so narrowly construed the laws against vertical price restraints that consumer welfare has been put in jeopardy; and

Mr. RUDMAN. Mr. President, the amendment I am introducing today with my colleague from California, Senator WILSON, further clarifies the purposes of the S. 430 compromise reported by the Judiciary Committee this February.

The substitute amendment addresses both parts of the committee bill. First, it clarifies the original purpose of section (a)—to fill the gap left by the Supreme Court's decision in the *Monsanto* case. As in the committee report, the substitute still specifies what evidence, if presented, would be sufficient to send the case to the trier of fact. It explicitly states that the Court must

determine, in accordance with the Federal Rules of Civil Procedure, that there is sufficient evidence, direct or circumstantial, of a contract, combination, or conspiracy. The bill then clarifies that the evidence outlined in subparagraphs (B) (i) and (ii) normally constitutes evidence of collusion "if client to meet the standards of the bill."

The description of the evidence outlined in subparagraphs (B) (i) and (ii) has been slightly changed. The word "suggestion" has been deleted due to a concern about the meaning of an "implied suggestion." Under the amendment, it is still the case that the plaintiff must show an "express or implied" "request," "demand," or "threat." The plaintiff need not show specific use of the words "request," "demand," or "threat" in the communication between the manufacturer and the claimant's competitor. Such a requirement would create an impossible burden and frustrate the purposes of the bill. Instead, the plaintiff must show, as under the committee compromise, that the communication, in essence, constitutes a "request," "demand," or "threat."

The definition of the causation requirement in subparagraph (B)(ii) has also been changed. The purpose of this modification is to respond to concerns raised by several of our colleagues which, I believe, are primarily due to ambiguous language in the committee's report. The amendment we are offering would change the causation requirement from "a major contributing cause" to "the major contributing cause." The purpose of this change is to make clear that the communication described in subparagraph (B)(i) must not only be a significant reason, but also the major contributing cause for the termination or refusal to supply.

The addition of section 8(a)(2) emphasizes the fact that the Court continues to have the role of applying the standards of the amendment in accordance with the Federal Rules of Civil Procedure and the purposes of this legislation. It clarifies that if a reasonable person could only find the existence of a conspiracy by making implausible inferences, then the case should not go to the trier of fact.

This standard is consistent with current procedural interpretations of the Federal Rules of Civil Procedure. Vertical price-fixing cases frequently rely on circumstantial proof and inferences therefrom. Section 8(a)(2) does not mean that a case relying on such proof or inferences should be dismissed, unless the drawing of implausible inferences is the only way a trier of fact could find a conspiracy.

Second, the substitute amendment addresses section 8(b) of the committee compromise as well. As amended, section 8(b) would incorporate the previously accepted amendment exempt-

ing maximum vertical price fixing from the reach of the bill. Furthermore, it would deal with the recent Supreme Court decision in the Sharp case. In that case, the Supreme Court held that a termination of a retailer because of such retailer's pricing policies, that is, discounting, was not a "price related" termination unless the parties to the agreement agreed to set or maintain prices at a specific price or price level.

This decision defies common sense. After the Sharp case, it is doubtful that there will continue to be any vertical price-fixing cases brought because no manufacturer or retailer will be dumb enough to state expressly what is clearly implied by the termination.

Finally, section 4 of the substitute makes clear that a violation of section 1 or 3 of the Sherman Act requires the finding of an illegal contract, combination, or conspiracy. Section 5 of the substitute amendment incorporates a clarifying amendment which makes clear that the bill does not affect application of the rule of reason standard to vertical location clauses or vertical territorial restraints.

This is a commonsense amendment that consumers everywhere deserve. The changes made by this amendment should make the bill acceptable to any Senator who is concerned about balancing the interests of the consumers in his or her State against the very legitimate concern of not opening up the floodgates of litigation.

NOTICE OF HEARING

SUBCOMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., on Tuesday, September 20, 1988, in SR-301, Russell Senate Office Building. The committee will be considering the following two reports for the Senate: Report on Senate Operations and, pursuant to instructions by the Senate, the Report on Impeachment Proceedings.

On its legislation agenda, the committee will be marking up S. 1766, to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia, and a resolution to provide supplemental funding for the Special Committee on Investigations of the Select Committee on Indian Affairs. On its administrative agenda, the committee will be considering proposed regulations on senatorial suite selection following the general elections in November, 1988.

For further information regarding this meeting, please contact Carole Blessington of the Rules Committee staff on 224-0278.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, September 14, 1988, at 10 a.m., for a hearing on the Regulatory Reform: Federalism and the Regulatory Flexibility Act.

The PRESIDING OFFICER. Without objection, it is ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 14, 1988, at 9:30 a.m. to hold a hearing on Intelligence matters.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the full Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on September 14, 1988, at 9:30 a.m. for a business meeting, pending calendar business.

The PRESIDING OFFICER. Without objection, it is ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Wednesday, September 14, 1988, at 9:30 a.m., to hold a markup on the following bills: S. 187, the Native American Cultural Preservation Act; H.R. 3621, Southern California Indian Land Transfer Act; S. 2672, to be followed by a hearing on S. 2723, the Hoopa-Yurok Indian Reservation.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON ARMED SERVICES

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, September 14 at 10:30 a.m. in open session to consider the nomination of Milton L. Lohr to be Deputy Under Secretary of Defense for Acquisition.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Wednesday, September 14, 1988, at 9:30 a.m. to conduct hearings on the staff concept papers regarding the National Affordable Housing Act.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON HAZARDOUS WASTES AND TOXIC SUBSTANCES

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on Hazardous Wastes and Toxic Substances and the Subcommittee on Environmental Protection, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, September 14, beginning at 10 a.m., to conduct a hearing on the greenhouse effect and policies to mitigate adverse climate change.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on September 14, 1988, at 2 p.m. to receive testimony on H.R. 4068, a bill to amend the Archaeological Resources Protection Act of 1979 to strengthen the enforcement provisions of that act, and for other purposes; S. 1314, a bill to amend the Archaeological Resources Protection Act of 1979 to prohibit attempted excavation, removal, or defacing, and to reduce the felony threshold value of illegally removed artifacts to \$500; S. 1985, a bill to improve the protection and management of archaeological resources on Federal land; S. 2545, a bill to redesignate Salinas National Monument in the State of New Mexico, and for other purposes; S. 2617, a bill to revise the boundary of Aztec Ruins National Monument in the State of New Mexico, and for other purposes; S. 2750, a bill to authorize a study on methods to commemorate the nationally significant contributions of Georgia O'Keeffe; and S. 2767, a bill to authorize a study of the history and culture of Warm Springs, NM, in order to preserve its historic and cultural legacy for future generations.

The PRESIDING OFFICER. Without objection, it is ordered.

ADDITIONAL STATEMENTS

UNITED STATES AS A HAVEN

● Ms. MIKULSKI. Mr. President, news comes from South Africa that two United Democratic Front activists and a member of the National Education Crisis Committee have sought sanctuary at the United States consulate in Johannesburg.

Some people might see this incident as a ticklish diplomatic problem.

I see it as evidence that South Africans, like others around the world,

still see the United States as a haven for political outcasts.

The sanctions we have imposed against the Botha government have proved to the blacks in South Africa that we sincerely believe in the principles of our own Constitution—self-determination, individual freedom—and what we will take firm steps to extend those principles to others.

It is noteworthy that these men did not flee to the consulate of another African nation or another Western government. They went to the U.S. consulate.

These men are not guerrillas, terrorists or rabble rousers. They are highly regarded by our diplomats in South Africa but were imprisoned without charge by South African authorities under the emergency laws. Both the UDF and Education Crisis Committee are banned organizations. Given the way the South African Government treats responsible leaders like these, it's not hard to understand why blacks are turning in frustration to more radical activities.

I hope that in the days ahead Ambassador Perkins and our State Department will make it clear that these men are welcome, that they have reason to trust in our willingness to protect their persons and that we honor their cause. ●

NOMINATION OF STUART SUMMIT

● Mr. LEAHY. Mr. President, on August 10, 1988, the Judiciary Committee ordered the nomination of Stuart Summit to be U.S. circuit judge reported to the full Senate. This nomination was the subject of an extensive investigation by the Judiciary Committee, including two hearings at which the nominee testified. The transcripts of those hearings, as well as voluminous submissions for the hearing record from the nominee and other parties, are available for inspection by all Senators. For the benefit of Senators who may soon vote on whether to confirm this nomination, I offer the following brief summary of the issues considered by the Judiciary Committee.

Stuart Summit of New York has been nominated to be U.S. circuit judge for the Second Circuit. The nominee has spent most of his career in private practice in New York City, where he has conducted a diverse litigation practice, mostly representing mid-sized companies. Mr. Summit has also served from 1966-77 as the part-time executive secretary to the New York City Mayor's Committee on the Judiciary, and since 1977 as part-time counsel to the New York State Commission on Judicial Nominations. The nominee, who is 52 years old, holds undergraduate and law degrees from Ohio State University. He is generally

well regarded by most of the legal community in New York, and was rated "qualified" by the ABA, with a minority of the ABA Committee finding him "not qualified."

At his first hearing on April 21, the nominee was introduced by Senator D'AMATO. I then questioned him on the following topics: the process by which he was nominated, including the role of Deputy Attorney General Burns in the nomination process; his experience as an arbitrator; his service to the municipal and State judicial nominating committees; the transition from the advocate's role to the judge's role; his law firm's representation of certain tax shelter ventures; and his role in representing departing partners in the New York law firm of Kreindler & Kreindler.

In the law firm breakup case, Levy, Phillips, et al. versus Kreindler and Kreindler, the nominee represented the departing partners in the Kreindler firm, who were seeking to renounce their partnership agreement and make various claims on partnership assets. The most controversial aspect of the case concerned letters sent by the nominee's clients to various debtors of the Kreindler firm, asking them not to make payments to the Kreindler firm unless the checks were also made payable to the defecting partners. The Kreindler firm sought and obtained an injunction from a New York State trial court against the sending of the letters, which that court found were premised on a claim to accounts receivable which was not even colorable. An interim division of receivables was worked out before a different judge, who also presided over a protracted trial on the renunciation of the partnership agreement. The case was settled just before the jury was charged.

The nominee testified on April 21 that he advised his clients not to write these letters, but that under the circumstances, their refusal to follow his advice did not create an ethical conflict which would have required him to cease representing these clients. Mr. Summit denied sending any such letters over his own signature, but did admit that he signed a similar letter to a law firm that was indebted to the Kreindler firm, explaining the basis for his clients' request. Mr. Summit also testified that this case was "a terrible example of what lawyers can do to each other," and that this experience led him to coauthor a report to the Association of the Bar of the City of New York which proposed a mediation and arbitration system for disputes among lawyers.

The Kreindler case was also the principal subject of the second hearing on Mr. Summit's nomination on June 21, at which Senator SIMON presided. At the second hearing, Lee Kreindler,

a defendant in the case, testified that, in his opinion, Mr. Summit's actions in this case demonstrated disrespect for the law. In particular, he asserted that Mr. Summit's acquiescence in his client's actions in sending letters to debtors of the Kreindler law firm, urging them to halt payments to the firm, and his sending of a similar letter over his own signature, was an unethical attempt to coerce a favorable settlement of his clients' claims by cutting off the firm's cash flow. Mr. Kreindler also asserted that the nominee had acted fraudulently in his counseling of his clients prior to their renunciation of the partnership agreement, and the witness was questioned on this topic by Senator SPECTER, and asked to submit additional testimony on this issue. Following Mr. Kreindler's testimony, the nominee resumed his testimony. He denied the allegations of fraudulent conduct, and testified that his conduct throughout the litigation met professional standards.

In addition to the testimony taken at the two hearings, extensive materials were submitted for the record with respect to the Kreindler case, including statements of other counsel in the case and of the trial judge, an ethical opinion from a professor at Fordham Law School, and posthearing submissions from the nominee, his law partners, his principal client in the case, and Mr. Kreindler, among others. In the most recent of Mr. Kreindler's submissions, he withdrew his allegation that the nominee was "guilty of fraud in concealing his role" in advising his clients about leaving the Kreindler firm. However, he reiterated his charge that "Mr. Summit utilized the legal process as an instrument of coercion," and that "this attitude of mind toward the use of the legal process disqualifies him for a judgeship." This material is available in the committee's public files.

Other issues addressed in the committee's investigation of Mr. Summit's nomination, and in the hearings and written questions to the nominee, may be summarized as follows.

I. THE NOMINEE'S CONNECTIONS WITH FORMER DEPUTY ATTORNEY GENERAL ARNOLD BURNS, AND BURNS' ROLE IN THE NOMINATION

Messrs. Summit and Burns were law partners until Burns became Deputy Attorney General in 1985. Mr. Burns first contacted Mr. Summit in mid-June, 1987, about a possible nomination to the Second Circuit. The nominee testified at the first hearing that this was the first contact he had with anyone in the administration about the Second Circuit seat, and the only conversation he had with Mr. Burns concerning matters within Burns' purview at Justice. Within 2 to 3 weeks, the nomination had been approved within Justice and signed off by the White House, a process that frequently takes several months or even longer.

Press reports, quoting anonymous senior Justice Department sources, indicate that Burns derailed all other candidates for the position, and pushed Summit, a nominee who, according to these sources, would not otherwise have been seriously considered, let alone selected.

The committee's investigation focused on three issues related to how Mr. Summit became the nominee, and the propriety of Mr. Burns' role in that process.

A. JUDGE KAUFMAN'S RETIREMENT

In September 1987 press reports raised the allegation that Attorney General Meese and others in the Justice Department and White House had sought to induce Judge Irving Kaufman to take senior status thus opening up the agency to which Mr. Summit was nominated by offering Judge Kaufman the Presidential Medal of Freedom if he retired. When questioned about this at the first hearing, the nominee denied any knowledge of the reasons for Judge Kaufman's retirement or the timing of his taking senior status.

B. LEGALITY OF BURNS' EFFORTS TO PROMOTE SUMMIT'S NOMINATION

Press reports appearing in late June and early July indicated that the Criminal Division of the Justice Department had opened a probe to determine whether appointment of an independent counsel should be sought to investigate whether Burns had committed a criminal violation of the Ethics in Government Act through his efforts on behalf of the Summit nomination. It was alleged that, at the time he was advocating Summit's nomination, Burns was still receiving severance payments from the law firm of which Summit still is, and Burns was, a member, and also that Burns and Summit were at the time both investors in two real estate ventures in the United States and a medical research project in Israel.

These allegations, while not necessarily reflecting directly on Mr. Summit's qualifications for the post to which he has been nominated, raised potentially disturbing issues concerning the integrity of the judicial selection process. On July 14, I wrote to the Justice Department, on behalf of the committee, requesting that the status of this investigation be clarified. By response dated July 22, Acting Assistant Attorney General Thomas Boyd reported that there had been a review of the issues raised by these news stories, but that the matter was closed because there was no information warranting further investigation as to whether Mr. Burns had violated the criminal conflict of interest laws. Mr. Boyd's letter stated that the review did not include an examination of Mr. Summit's actions or his contacts with Mr. Burns or other officials of the Jus-

tice Department, with respect to his own nomination.

C. BURNS' TAX SHELTER ACTIVITIES

News reports appearing shortly before the first hearing on the Summit nomination indicated that Burns' and Summit's law firm had been involved in the creation of several tax shelter operations promoted by Edward Levine and Stephen Goldman. The IRS had subsequently challenged some of these tax shelters as fraudulent. Mr. Burns had invested personally in one or more of these tax shelters.

At the hearing on April 21, I asked the nominee about these reports, particularly as they related to the Bahamas corporation called Hecogenin Synthesis. Mr. Summit did not dispute the reports that his law firm had drafted a private stock offering for Hecogenin, prepared an investment advisory paper on the tax advantages of investing in Hecogenin, served as the corporation's counsel, and performed other legal work for Hecogenin. He testified that he had no personal involvement in bringing this work into the firm or in performing it. He did not invest in Hecogenin. The matter came to his attention some years later, in 1986, when, in preparation for a tax court trial in Los Angeles in which the IRS was challenging the tax returns of some Hecogenin investors, we learned of things that led us to resign from any further representation of Hecogenin, a decision that the nominee made along with other partners in his firm. The nominee declined to discuss the reasons for the resignation, referring to the attorney-client privilege. Two of the nominee's partners most involved in representing Hecogenin were called to testify at the trial in Los Angeles, and Mr. Summit accompanied them there. He described his role as preparing the partners to testify and to make sure that the judge of the tax court ruled on any privilege issues that might come up. Mr. Burns testified as a Government witness at that trial, but Mr. Summit did not represent him or have any contact with him in the context of that case.

In response to posthearing written questions, the nominee reported that his firm had provided similar legal services to about a dozen of Levine's and Goldman's tax shelter ventures, but had resigned from representation of all of them in July 1986, under the same circumstances in which the firm had withdrawn from representing Hecogenin. The nominee did not invest in any of these ventures.

II. SUMMIT'S REPRESENTATION OF BARRY TRUPIN

A. THE VILLAGE OF SOUTHAMPTON CASE

In recent years, the nominee has devoted considerable time to the representation of Barry Trupin in a continuing dispute with the village of Southampton, NY. Mr. Trupin, a self-

made multimillionaire, bought a dilapidated mansion in Southampton and began to restore and enlarge it into a grandiose residence. He failed to seek building permits and zoning variances for many of his construction plans, and the village issued a stop-work order while construction was in progress. There followed a series of lawsuits.

First, Mr. Summit represented Mr. Trupin in State court proceedings to overturn various actions of the village and its boards with respect to Trupin's property. These were mostly unsuccessful. Then, in 1984, Mr. Trupin, again represented by the nominee, filed a civil rights lawsuit in Federal court, charging the village and various officials thereof with violating his constitutional rights through their decisions preventing him from carrying out his construction plans. Mr. Summit withdrew from active participation in the case in late 1987, after he was nominated to the Second Circuit. In March 1988, after a 4-week trial, Trupin received a jury verdict of nearly \$2 million for civil rights violations committed by the village. The committee understands that the verdict will be appealed.

Several questions have been raised about the conduct of the nominee and of his client in this case. The case has obviously been a matter of consuming public interest in Southampton for many years, and feelings run high on both sides. In posthearing written questions, Mr. Summit was asked to address several allegations, as follows:

1. GENESIS OF THE FEDERAL LAWSUIT

Press reports obtained by the committee indicated that the Federal lawsuit was filed when the village was 2 days late in responding to a settlement proposal made by the nominee on Mr. Trupin's behalf. The nominee's responses to written questions indicated that settlement discussions began in July 1984 on his initiative. As discussions progressed, Mr. Summit delivered a written settlement proposal to Orson Munn, one of the village trustees, on August 2. The proposal requested a prompt response, and if accepted, the prompt removal of the stop-work order so that construction could proceed pending full consummation of the settlement. Mr. Summit also told Mr. Munn orally that the offer would expire in 10 days, and that he might not be able to persuade his client to abide by the proposal if acceptance took longer than that. Mr. Summit said that he was told that the village had some problems with the proposal; that in any case he was told that the stop work order would not be immediately lifted even if the settlement was accepted in principle, and that I have no recollection of the village ever communicating its agreement to the settlement proposal. Trupin instructed Summit to with-

draw the settlement proposal and file the lawsuit. The lawsuit was filed August 14, 12 days after the settlement had been proposed.

At the committee's request, Orson Munn reviewed these answers. His recollection is substantially different from the nominee's. Mr. Munn says that settlement discussions in 1984 were initiated by the village, not Trupin or Summit. He says that acceptance of the proposal would automatically lift the stop-work order, and described as pure fiction the nominee's assertion that, "even if the [settlement] proposal were accepted in principle, it might be months before it would be implemented and the stop work order removed." Mr. Munn states that he communicated the acceptance to Mr. Summit on the 12th day, as soon as all the relevant village boards had approved the proposal. Mr. Summit's response was to say good or great followed immediately by the filing of the lawsuit.

After the lawsuit was filed, settlement discussions continued sporadically, and have continued after the jury verdict as well. The issue of which side is at fault for the failure of settlement negotiations to forestall the filing of what turned out to be a costly, protracted and divisive lawsuit, and of Mr. Summit's, as distinguished from Mr. Trupin's, role in this failure, remains unresolved.

2. TRUPIN'S ATTEMPT TO AMEND THE COMPLAINT

The complaint in the Federal lawsuit, filed in 1984, named as defendants several village officials—all of them part-time officials—in their official capacities. In December, 1987, just before the Federal lawsuit went to trial, Mr. Trupin sought to amend his complaint to seek compensatory and punitive damages from the village officials personally. The judge denied this motion, criticizing Trupin's lawyers for holding back this piece of strategy, and stating he was appalled at this 11th-hour attempt to expand dramatically the defendants' exposure. The nominee was quoted in contemporaneous press accounts concerning the judge's ruling on this motion, but in response to written questions, he stated that he had largely withdrawn from the case by that point, and that the motion was filed and argued by one of his partners. He also pointed out that Mr. Trupin intended to appeal the denial of the motion to amend the complaint, and that the judge allowed the time spent in preparing it among the hours considered in awarding attorneys' fees after the verdict in the case.

3. PRESS LEAKS AND SUMMIT'S ROLE

Village officials and their counsel brought to the committee's attention that two press reports, one in the State court litigation and one during the Federal case, appeared to have been based on leaks from sidebar con-

ferences, and apparently were embarrassing to their side of the case. They thought that the nominee who is quite prominent in press coverage of the case was responsible. The nominee responded that, as to the State court case, he repeated one-court testimony to a reporter who inquired about it. Subsequently, the judge asked all counsel not to talk to the press, and Mr. Summit said he complied with this request. In the Federal case, the nominee stated that, because of his withdrawal from the case by the time of trial, he did not participate in any sidebar conferences. He did state that on the one day he was in court, he sat in the spectators' section, but that he came up to the bench and stood in the back of a group of many lawyers when the judge announced, during a jury recess, that settlement discussions had not borne fruit. He does not state whether he disclosed to the press what he heard at that time. Mr. Summit's partner also submitted a statement referring to another incident during the Federal trial in which statements in a sidebar conference may have been overheard by a reporter sitting in the public section of the courtroom.

The extent of Mr. Summit's withdrawal from the case has also been put in issue. Some of his adversaries maintain that he was actively involved in the trial, and that he commented frequently in the press about the case. Mr. Summit responded that he sought to withdraw from the case as much as possible without injury to the client, and that the extent of his continuing activity in the case was based on his judgment call about how involved he should be in a case that might be appealed to the court to which he had been nominated.

4. OTHER ISSUES INVOLVING THE SOUTHAMPTON CASE

In this hotly contested and controversial case, which appears to have dominated Southampton local politics for some years, numerous other issues have been raised. For example, Mr. Trupin's motion to hold the village officials individually liable for punitive damages appears to be based on an allegation that some of the officials were involved in an extortion scheme directed at Trupin. The judge's reported comments on the motion suggest that he believed this charge has little if any support in the record, but it understandably has inflamed some of the defendants and defense counsel. However, it does not appear that this reaction led to any motions for sanctions under rule 11 of the Federal Rules of Civil Procedure or disciplinary complaints directed against Summit. The committee also considered evidence of two representations allegedly made on the nominee's behalf to village officials which they considered improper.

B. OTHER MATTERS INVOLVING BARRY TRUPIN

While Mr. Summit's nomination was pending before the committee, a great deal of information was received concerning alleged improper or illegal conduct by Barry Trupin, the nominee's client in the village of Southampton case. For example, a source advised that Trupin's tax shelter activities, involving computer leasing and other ventures, had been under investigation by the IRS, the New York attorney general's office, and other law enforcement agencies. This source alleged that Mr. Summit was involved in these matters under an agreement with Trupin that guaranteed Summit's law firm the legal work if any of these ventures were questioned by tax or other law enforcement authorities. It was alleged that many investors lost money in these ventures when their deductions were disallowed, but that Summit's law firm profited from them, and that Trupin, who has been described in magazine articles as the master of the corporate veil, had no personal exposure for liability for these illegal or improper activities. This source later furnished the committee with a list of some of the corporate entities allegedly established by Trupin as part of this scheme.

In written questions, Mr. Summit was asked about his and his law firm's involvement with these entities, or other legal work performed for Trupin. He responded that, aside from the Southampton case, he personally had represented Trupin or his entities in only one other case, a lawsuit for specific performance of a real estate contract. He also played an advisory role in a dispute which arose over the sale of computers in which one of Trupin's entities had an interest. Mr. Summit never invested in any of Trupin's business ventures, and had no other relationship with him beyond the attorney-client relationship in the Southampton case and the other cases referred to above. Other lawyers in his firm did perform other legal work for Trupin, including: First, organizing and rendering tax opinions with respect to 13 entities during 1977-79; second, negotiating tax settlements on behalf of investors in 16 entities during 1977-81; third, representing one entity in an IRS inquiry into whether it was an abusive tax shelter, in 1984; fourth, representing five entities in an inquiry by the New York State attorney general; fifth, defending numerous Trupin entities in 10 lawsuits brought by investors in connection with the threatened or actual disallowance of Federal income tax deductions; sixth, representing numerous Trupin entities, and, in 2 cases, Trupin himself, in 8 lawsuits arising from commercial disputes.

In light of Mr. Summit's statement that he personally has not represented Trupin in other matters and has no in-

volvement with his other business ventures, except as described above, the committee has not pursued numerous other allegations against Trupin which have been received.

Mr. President, as the foregoing summary indicates, the Judiciary Committee considered a great deal of information while this nomination was pending before it. The committee has endeavored throughout to maintain a focus on the nominee's qualifications for the post to which he has been nominated, as distinguished from allegations that principally concern Mr. Summit's clients, partners or other associates.●

REPORT OF THE COMMITTEE ON THE JUDICIARY PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

● Mr. BIDEN. Mr. President, section 302(a) of the Congressional Budget and Impoundment Act requires the Senate Budget Committee to allocate total budget authority, total budget outlays, and total credit authority among the several committees of the Senate. The act further requires each Senate committee receiving a 302(a) allocation to file a report as to how such allocation has been divided among its own subcommittees.

As chairman of the Committee on the Judiciary, I hereby submit a report detailing the outlays, new budget authority and new credit authority within the jurisdiction of each Judiciary subcommittee for fiscal 1989.

I ask unanimous consent that the subcommittee allocations for the Committee on the Judiciary be printed in the RECORD at this time.

There being no objection, the allocations were ordered to be printed in the RECORD, as follows:

COMMITTEE ON THE JUDICIARY CONGRESSIONAL BUDGET ACT 302(b) ALLOCATION OF ACCOUNTS, FISCAL YEAR 1989

(In millions of dollars)

	Direct spending	Budget authority	Outlays	Credit
Full committee.....		423	410	0
Subcommittee:				
Immigration.....		840	798	0
Antitrust.....		0	0	0
Constitution.....		0	0	0
Patents.....		71	71	0
Technology.....		0	0	0
Courts.....		124	112	0
Total ¹		1,459	1,392	0

¹ Totals may not add due to rounding.●

TOM HANDY

● Mr. McCONNELL. Mr. President, my commitment to broad public participation in free and fair elections is unwavering as illustrated by my sponsorship of the Election Fraud Prevention Act of 1987 and the Anti-Public Corruption Act of 1988. Even today, Mr. President, I introduced a strength-

ened version of this legislation known as the anticorruption bill of 1988.

A good friend and constituent of mine, Mr. Tom Handy, shares my desire to restore the integrity of elections. He served on the State attorney general's task force on election fraud and recently presented evidence of election abuses to a grand jury that led to several indictments. Thus, I am sure all of my colleagues can understand now delighted I was to learn that Tom had been named the Commonwealth's Attorney of the Year.

In addition to his work on behalf of election reform, Tom was recognized for his outstanding efforts in the formulation of child abuse legislation and the promotion of economic development in southeastern Kentucky.

Tom's impressive record of community service includes membership in the Laurel Arts and Recreation Commission, the Chamber of Commerce, and the Kiwanis Club. He even worked on Capitol Hill as an aide to former Congressman Tim Lee Carter before becoming assistant commonwealth's attorney in 1975.

Mr. President, I would like to have printed in the RECORD an article about Tom that appeared in the Times-Tribune that further details his well-deserved recognition as Attorney of the Year.

The article follows:

HANDY IS NAMED COMMONWEALTH'S ATTORNEY OF THE YEAR AT CONFERENCE

(By Susan Davis)

A local attorney has been recognized for his contributions to his profession and community during a recent state conference.

Tom Handy of London is the recipient of the 1988 Commonwealth's Attorney of the Year award given by Kentucky's Attorney General Fred Cowan.

Handy, who is the commonwealth's attorney for Laurel and Knox Counties, was honored during the Kentucky Prosecutors Conference in Louisville on Saturday.

During the ceremony, Cowan noted that Handy had served on the Attorney General's task force on election fraud and had recently presented evidence to a grand jury on election abuses that resulted in a number of indictments. He also praised Handy on how he handled the highly publicized Donald Harvey prosecution and for his involvement in key economic development projects in the London-Corbin areas, said a spokeswoman for the Attorney General's office.

Cowan also presented Handy with a certificate of Merit for his service to citizens of Kentucky and to the unified prosecutorial system. The certificate was awarded to Handy for his help in passing election reform legislation during the 1988 General Assembly, said the spokeswoman.

Handy has also drafted and worked on legislation concerning the problems of child abuse.

Professionally, his credits include membership in the Kentucky Bar Association and past president of the Laurel County Bar Association.

Handy is past president of the Kentucky Commonwealth's Attorney Association.

He has served as vice-chairman of the Laurel Tourist Association, chairman of the Laurel Arts and Recreation Commission, member of the Chamber of Commerce and Kiwanis Club.

Handy has also served as a charter member of an association to promote tourism in southeastern Kentucky and has contributed his time to the Laurel Lake Development Association.

His devotion to this profession and community has not gone unnoticed. He is a two-time recipient of the Redford Award, an honor given by fellow Commonwealth's Attorneys for contributions to the profession. He was also a Laurel County Homecoming Honoree last year.

The native Laurel Countian is the son of Lou Handy, a retired teacher, and the late C.F. Handy, a London businessman.

After graduating from London High School, he earned a bachelor's degree in history and government from Central College. He finished his first year of law school at Wake-Forest and earned his Juris Doctorate from the University of Kentucky's School of Law.

He was an administrative and legislative assistant to the former congressman Tim Lee Carter. In 1971 he began a private practice in London and was assistant commonwealth's attorney in 1975.

Handy and his wife, Bonnie, reside in London with their two children, Dennie Beth and Starr. ●

STUDENTS FROM UNIVERSITY OF ILLINOIS GEAR UP FOR PARALYMPICS IN SEOUL

● Mr. SIMON. Mr. President, since 1947, the University of Illinois has been providing comprehensive educational opportunities for college students with disabilities. Among many quality programs, the University of Illinois on the Urbana-Champaign campus offers an outstanding wheelchair sports program which is being used as a model for other universities and colleges across the country.

Nine students and two faculty members involved in wheelchair athletics at the University of Illinois have been selected to participate in the Paralympics in Seoul this fall. This is a remarkable accomplishment since the entire U.S. team numbers less than 100 wheelchair athletes.

The university can also be proud of the fact that their men's team won the National Intercollegiate Wheelchair Basketball Championship in Kansas City this April.

I would like to take this opportunity to congratulate these athletes on their fine accomplishments and commend everyone at the University of Illinois who has had a part in making this program such a success. I wish the best for those going to Seoul as they train and prepare for the competition. We will be watching with pride and high hopes for them all. ●

TRIBUTE TO HAROLD AND IANTHA LEVANDER

● Mr. DURENBERGER. Mr. President, one of Minnesota's "First Families" will celebrate a major milestone this week when friends of Harold and Iantha LeVander gather to celebrate this very special couple's 50th wedding anniversary.

My personal kinship with the LeVanders dates to the mid-1950's when I went to work as a young attorney for Harold's law firm in South St. Paul. It continued through my service as Harold's chief of staff when he was Governor of Minnesota from 1967 to 1971. And, that friendship and respect for both Harold and Iantha continues today.

Although he was elected to Minnesota's highest State office, Harold LeVander never saw himself as a partisan politician. I still remember standing behind him at the press conference when he announced he would not seek a second 4-year term. In his typically brief but eloquent manner, Harold repeated his philosophy of public service when he called public office, "an honorable, but temporary privilege."

Prof. Art Naftalin, a biographer of Minnesota's 20th century Governors, called Harold, the citizen politician.

"Harold LeVander," Naftalin said in his 1980 video biography on the State's 32d Governor, "was not a politician, but he saw his duty as a citizen and he did it."

This strong sense of public service ruled Harold LeVander's life. And, it has also been a commitment shared by his wife, Iantha, who has been active in numerous civic organizations and served as Republican National Committeewoman from Minnesota in the 1970's.

Many Minnesotans recall how the whole LeVander family's commitment to serving became a real asset in Harold's campaign for Governor in 1966. Besides the tireless campaigning done by Iantha, the LeVanders' three children—son, Hap, and daughters Jean and Diane—were visible and active on their own. After the election, Hap took over his father's law practice and Jean became a speech writer in the Governor's office. Jean later served as chief of staff to a succeeding Governor, Al Quie.

This strong family support certainly helped make Harold LeVander the outstanding public servant he continues to be today. A preachers son and lay Lutheran minister, Harold also used a strong moral base to guide his public service. And, he was able to use his chosen vocation—the practice of law—to aid individuals and organizations all over Minnesota in their pursuit of fairness and opportunity.

That background and experience—in church work and representing clients that included Minnesota livestock pro-

ducers and rural electric cooperatives—provided what biographer Naftalin called, "a network of supporters rivaling that of a political party."

Harold LeVander's record of accomplishment as Governor is impressive and well-known. During his 4 years in office, he was instrumental in establishing one of the Nation's first State human rights commissions. He was a key player in establishing the pioneering Twin Cities Metropolitan Council. He had a strong progressive record on the environment, helping to establish one of the first State Pollution Control Agencies and helping launch what is now Voyageurs National Park.

As Governor, Harold LeVander was a strong supporter of education and local government. He promoted expanded support for what he called the lighted schoolhouse, now the State's system of community education, and for creating what are now the State's Regional Development Commissions. And, he helped engineer legislative approval for a new system of State aid to local governments—really a forerunner of Federal Revenue Sharing which he also helped build support for within the National Governor's Conference.

I remember Harold's time as Governor as one in which more citizen participation in decisionmaking was encouraged. He was forever establishing "citizen councils" to gather and direct public input. And, he was a strong supporter of Minnesota's State constitutional amendment lowering the voting age, an act which was approved by the Minnesota Legislature and voters prior to ratification of the Federal voting age amendment in 1971.

The family values and traditions which have guided Harold and Iantha LeVander through a lifetime of public service are the same values they celebrate this week on their 50th wedding anniversary. And, they are strong values and traditions which are evident in an essay which Harold wrote at the time he was inaugurated as Minnesota's 32d Governor.

Mr. President, because of the outstanding contributions made by this very special couple, I ask that this essay—published in 1967 in the Minneapolis Tribune—be printed in the RECORD.

The essay follows:

HAROLD LEVANDER RECALLS "WHAT I REMEMBER MOST"

(By Harold LeVander)

One of my earliest recollections is just before I was 3 years old when my family arrived by train in St. Paul from Swedehome, Neb., after my father had accepted the call to be pastor of North End Immanuel Lutheran Church. We were met at the depot by Ole Hedman, and I had my first ride in an automobile—in fact, it was the first time I had ever seen an automobile. It was a large Reo, the wheels of which had large yellow wooden spokes.

Another incident with which Hedman was connected, and which became an oft-repeated occasion, was when he offered me a cigar. My father smoked cigars but never in public and was constantly vowing to quit. When Hedman offered me a cigar, as a joke I recalled Father's oft-repeated statement and replied in Swedish, "Ja Har Slutat at Roka" (I quit smoking).

In St. Paul we lived at 999 Mathilda Av., which was two blocks from a fire station manned by a staff of Negro firemen who drove a span of four white horses on the fire wagon. Three times a week they would go through rehearsal, and my older brother, Ted, and I were regular spectators for almost every rehearsal. When the gong rang, the men slid down the brass pole from the second-floor dormitory, the harnesses were suspended on clasps above the station, the doors of the stalls opened with the sounding of the gong, and the horses, without assistance, took their stations in front of the fire wagon. The pulling of a lever caused the harnesses to be dropped down and they were clasped on in a matter of seconds. The driver mounted the seat and the horses galloped out of the station, all of which was accomplished in less than two minutes.

I also clearly recall the many trips I had on Father's shoulder from the streetcar which stopped four blocks from our house. Between the streetcar stop on Rice St. and our home there were at least three taverns. If we came home from a visit after dark, Father would throw me over his shoulder and carry me from the streetcar stop to our house.

Our playmates were the Lindstrom boys next door who were the same age as Ted and I. We had a large barn on the back end of the lot where the former pastors had kept horses. There were hundreds of sparrows in or around the barn, and almost every week we found a dead bird for which we would put on an elaborate funeral, using a cigar box as a casket and digging a grave alongside the fence between the Lindstrom house and ours. Father was accustomed to wearing a clerical vestment in the form of a long black cape. Usually my brother, Ted, acted as the minister and used one of Mother's aprons tied over his back to represent Dad's vestment as he conducted the funeral service.

From St. Paul we moved to Atwater, Minn., in Kandiyohi County. Dad served the church both in Atwater and Grove City. Because of the two parishes, my father had to buy an automobile, so we had our first experience with a Dodge. Ted and I had to alternate every other Sunday in riding with Dad to Grove City, so every other Sunday we heard the same sermon twice and, besides going to Sunday School, attended two services and sometimes a fourth church meeting in the evening.

Our first employment was working on the Atwater Nursery Farm picking strawberries for which we were paid three cents a quart. As soon as the strawberries were through we started with raspberries. When that season closed we picked gooseberries, and by that time the plums had ripened and we picked plums and then apples. As we grew older and could handle farm work, Ted and I hired out in the summer for a few months as hired hands, milking cows in the morning and then cultivating corn until the haying season started. We went through the haying season, then shocked and threshed grain, filled the silo and picked corn before returning to school in the fall.

Our home in Atwater was across the street from the school. There being no girls in our family, Ted and I always had to do the dishes. Even after the noon meal, we would have to wash and dry the dishes until the school bell rang. Then we dropped the towels and scooted across the street in time to get to our classrooms.

I started in athletics at Atwater as a freshman in high school, playing my first basketball game at Litchfield. My determination apparently outran my dexterity because I was put out on personal fouls in four minutes.

From Atwater we moved to Watertown, Minn., in Carver County when I was a sophomore in high school. I remember riding in April with a man named Conrad Aundahl in the truck hauling our furniture. Between Montrose and Watertown, we got mired in a pothole up to the axle, and it took two teams of horses to pull us out.

In Watertown I worked in the summertime driving the Watertown Motor Express, hauling livestock to South St. Paul and assembling farm machinery. In the fall I managed three threshing crews for my boss, Rick Johnson.

Although our classes in school were not large, we were fortunate in having several boys all over six feet and developed a basketball team that was the pride of the community. We played in the City Hall where there were no showers. After practices we dried ourselves with towels, put on our long winter underwear, mackinaws and stocking caps and walked a little over a mile home. The same bunch of boys also played football and in our senior year didn't lose a game. We also had a first class baseball team and a track team.

My father was an avid fisherman and we used to make frequent trips to Lake Pulaski north of Buffalo, Minn., or to Clearwater Lake near Waconia, Minn., to fish sunfish. Since it was our practice to clean the fish as soon as we came to shore, we set up a chain operation in which one scaled, another cut the fins and gutted them and the third washed them. As a result of that early fish cleaning experience, just like washing dishes (which I did for my board in college at a boarding club), we soon learned that it takes less time to do a chore than to argue between the brothers as to which one should do it.

My first speaking experience came when I gave a recitation at a children's festival Christmas program. In high school, I started both debate and oratory. My coach was my father, whose strongest asset as a clergyman was his pulpit ability. He used to go with me up to the church hall, and I would practice by the hour on delivery, gestures, voice projection, pauses, transitions and all of the platform techniques with which Father was familiar.

College and law school days were tremendously exciting and interesting. Playing football under the tutorship of George Myrum at Gustavus Adolphus College left lasting impressions. His emphasis on fighting hard, but also reminding us that sportsmanship would be expected from us as representing a church school, is well remembered. The influence of people has a most significant way of shaping our lives. My brother, Ted, and I roomed together for three years at college. If I threw my sweater on the bed or scattered my books on the table, I was subjected to a dressing down that eventually led to my hanging them up and putting them away rather than precipitating an argument.

Dr. Evan Anderson, my speech and debate coach, with his incisive criticism such as "I don't want to hear any third-grade dribble," underscored the necessity of organization and research. There was also the fun side because of his great sense of humor. On one debate trip to Iowa, we hired a driver with whom Prof. Anderson decided we should have a little fun. He got all of the debaters in the car to insist with him that there were two center line stripes on the highway. The driver finally became doubtful of his own eyesight and stopped the car to get out to have us point out where the two stripes were. Actually, of course, there was only one.

I took all of the history courses offered by Dr. Conrad Peterson, an outstanding teacher who also had a sense of humor. I recall his telling us that in the early church they used the word "hell" in the creed, but then they thought that was pretty raw so they changed it to "Hades." "But," he said, "now they have gone back to 'hell' again."

At the University of Minnesota Law School, Dr. Harvey Hoshour and Dr. Henry Rottschaefer exemplified the kind of teachers who were thorough masters of their subjects and also had the ability lucidly to explain a complex problem to the class. Rottschaefer was a master of long sentences but exceedingly accurate delineation and could remember precisely what he wanted to put across. One day in the middle of winter, during a heavy snowstorm, he stopped in the middle of one of his long sentences, pointed out the window and said, "Did you ever see any bigger snow flakes?" Then he picked up his sentence and completed the accurate legal definition he had been expounding.

After law school, I sat behind Harold Stassen at the counsel table for three years and witnessed the skill and technique of an exceedingly able trial lawyer. It is, of course, impossible to pinpoint the effect and influence of all of the clients and people you meet while practicing law but from many you are left with indelible impressions. Harry Edmunds, the first president of the State Association of REAs and who was known as "Mr. REA," taught me many things about co-operation, not the least of which was his insistence that neutrality in religion and politics was essential if a co-operative was to achieve its fundamental purpose.

Of all the people whose influence had been significant in my life, none had been greater than that of my father. Through his table conversations on behavior, religion, service and politics, I gained the basic attitude and philosophy of life. Through his sermons and watching the example of his effort to practice what he preached, one could not help acquiring a basic idea of what life was all about. Added to this was the influence of my mother, whose devotion to her husband and her three boys exemplified the highest characteristics of an ideal mother.

While the practice of law is one of the greatest continual educational processes in which one can engage, when added to it are extracurricular activities of community service through services in Chambers of Commerce, Boards of United Fund, service clubs and a host of other activities, plus church work, one acquires not only a philosophy but a method of dealing with people's problems.

One of my greatest satisfactions has been the service on the National Lutheran Council and participating in the ecumenical

movement, both within my own denomination and on an interdenominational level. Such diverse interests as livestock marketing, electric utilities service, representing owners in condemnation, community participation and layman's participation in church activities have contributed enormously to an understanding of people's problems. I have a deep sense of gratitude for what I have learned from these activities. ●

THE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished Republican leader as to whether or not the following calendar orders on the Calendar of Business have been cleared: Calendar Order 756 and Calendar Order 876.

Mr. DOLE. Each has been cleared, yes.

Mr. BYRD. I thank the Republican leader.

I ask unanimous consent that the Senate proceed to the consideration of those two calendar orders seriatim.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEVELOPMENT OF BICENTENNIAL COINS

The Senate proceeded to consider the bill (S. 1776) to modernize U.S. circulating coin designs, of which one reverse will have a theme of the Bicentennial of the Constitution, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. DENOMINATIONS, SPECIFICATIONS, AND DESIGN OF COINS.

Subsection (d)(1) of section 5112 of title 31, United States Code, is amended by striking the fourth sentence.

SEC. 2. DESIGN CHANGES REQUIRED FOR CERTAIN COINS.

Subsection (d) of section 5112 of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(3) The design on the reverse side of the half dollar, quarter dollar, dime coin, 5-cent coin and one-cent coin shall be selected for redesigning. One or more coins may be selected for redesign at the same time, but the first redesigned coin shall have a design commemorating the 200th anniversary of the United States Constitution for a period of two years after issuance. After that 2-year period, the bicentennial coin shall have its design changed in accordance with the provisions of this subsection. Such selection, and the minting and issuance of the first selected coin shall be made not later than 1 year after the date of the enactment of this paragraph. All such redesigned coins shall conform with the inscription requirements set forth in paragraph (1) of this subsection."

SEC. 3. DESIGN ON OVERSE SIDE OF COINS.

Subsection (d) of section 5112 of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(4) Subject to paragraph (2), the design on the obverse side of the half dollar, quarter dollar, dime coin, 5-cent coin, and one-cent coin shall contain the likenesses of

those currently displayed and shall be considered for redesign. All such coin obverse redesigns shall conform with the inscription requirements set forth in paragraph (1) of this subsection."

SEC. 4. SELECTION OF DESIGNS.

The design changes for each coin authorized by the amendments made by this Act shall take place at the discretion of the Secretary and shall be done at the rate of one or more coins per year, to be phased in over six years after the date of the enactment of this Act. In selecting new designs, the Secretary shall consider, among other factors, thematic representations of the following constitutional concepts: freedom of speech and assembly; freedom of the press; right to due process of law; right to a trial by jury; right to equal protection under the law; right to vote; themes from the Bill of Rights; and separation of powers, including the independence of the judiciary. The designs shall be selected by the Secretary upon consultation with the United States Commission of Fine Arts.

SEC. 5. REDUCTION OF THE NATIONAL DEBT.

Subsection (a)(1) of section 5132 of title 31, United States Code, is amended by inserting after the third sentence the following: "Any profits received from the sale of uncirculated and proof sets of coins shall be deposited by the Secretary in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STATEHOOD CENTENNIAL COMMEMORATIVE COIN ACT

The PRESIDING OFFICER. The clerk will report the next item.

The assistant legislative clerk read as follows:

A bill (S. 2283) to require the Secretary of the Treasury to mint and issue five-dollar coins in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Statehood Centennial Commemorative Coin Act of 1989".

SEC. 2. SPECIFICATIONS OF COINS.

(a) AUTHORIZATION.—Subject to subsection (b), the Secretary of the Treasury (hereinafter referred to as the "Secretary") shall mint and issue five-dollar coins in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming.

(b) ISSUANCE.—The Secretary shall mint and issue not more than 350,000 five-dollar coins each of which shall—

- (1) weigh 31.103 grams;
- (2) have a diameter of 1.500 inches; and
- (3) be composed of 90 percent palladium and 10 percent alloy.

(c) DESIGN.—The design of the five-dollar coin, in accordance with this section, shall contain an engraving of the Centennial States' regional logo on one side; and on the other side, busts of Thomas Jefferson, and Lewis and Clark overlooking the Missouri River. Each coin shall bear a designation of the value of the coin, the year 1989, and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum". The reverse may also contain the words "Northwest Centennial" and "Statehood 1889-1890". Modifications to these designs may be made, if necessary, by the Secretary upon consultation with a duly authorized representative of the 6 States' Centennial Commissions.

(d) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(e) LEGAL TENDER.—The coins referred to in subsection (a) shall be legal tender as provided in section 5103 of title 31, United States Code.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain palladium for the coins referred to in this Act by purchase of palladium mined from natural deposits in the United States within one year after the month in which the ore from which it is derived was mined and by purchase of palladium refined in the United States. The Secretary shall pay not more than the average world price for the palladium. In the absence of available supplies of such palladium at the average world price, the Secretary shall purchase supplies of palladium pursuant to the authority of the Secretary under existing law. The Secretary shall issue such regulations as may be necessary to carry out this provision.

SEC. 4. MINTING AND ISSUANCE OF COINS.

(a) UNCIRCULATED AND PROOF QUALITIES.—The coins minted under this Act may be issued in uncirculated and proof qualities, except that not more than 1 facility of the United States Mint may be used to strike each quality.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue the coins minted under this Act beginning January 1, 1989.

(c) TERMINATION OF AUTHORITY.—Coins may not be minted under this Act after December 31, 1990.

SEC. 5. SALE OF COINS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall sell the coins minted under this Act at a price equal to the face value, plus the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) BULK SALES.—The Secretary shall make any bulk sales of the coins minted under this Act at a reasonable discount to reflect the lower costs of such sales.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins minted under this Act prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this Act shall include a surcharge of \$20 per coin.

SEC. 6. FINANCIAL ASSURANCES.

(a) **NO NET COST TO THE GOVERNMENT.**—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) **PAYMENT FOR COINS.**—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration Board.

SEC. 7. REDUCTION OF NATIONAL DEBT.

An amount equal to \$1,500,000 of all surcharges received by the Secretary from the sale of coins minted under this Act shall be provided to the "Documents West" exhibition program and administered by the Idaho Centennial Commission. These funds shall be used for the sole purpose of promoting the exhibition of historical and educational artifacts pertaining to the six Centennial States. The remaining amount of surcharges that are received by the Secretary from the sale of coins minted under this Act shall be deposited in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.

SEC. 8. AUDITS.

The Comptroller General shall have the right to examine such books, records, documents, and other data of the Idaho Centennial Commission as may be related to the expenditure of amounts paid under section 7.

SEC. 9. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) **IN GENERAL.**—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) **EQUAL EMPLOYMENT OPPORTUNITY.**—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity. No firm shall be considered a Federal contractor for purposes of 41 C.F.R. part 60 et seq. as a result of participating as a United States Mint coin consignee.

Mr. BAUCUS. Mr. President, I would like to thank the majority leader for agreeing to bring S. 2283 before the Senate for consideration, given the busy schedule. The majority leader has a keen sense of history and shares my feelings of regional pride.

This legislation, calling for a \$5 commemorative coin made of palladium, is unique because it marks the centennial of Montana, Idaho, North Dakota, South Dakota, Washington, and Wyoming.

The bill before us, the Statehood Centennial Commemorative Coin Act of 1989, is an amended version of the bill I introduced earlier this year along with my 11 colleagues representing the centennial States—Senators MELCHER, ADAMS, BURDICK, CONRAD,

DASCHLE, EVANS, MCCLURE, PRESSLER, SIMPSON, SYMMS, and WALLOP.

Besides commemorating the centennial of statehood for the Northwestern States, the coin would also recognize the opening of the world's only primary palladium mine, the Stillwater Mine, which began production last year in the Beartooth Mountains near Nye, MT.

THE NORTHWEST CENTENNIAL

Providing this unique official congressional recognition of the 100th birthday of Montana, Idaho, North Dakota, South Dakota, Washington, and Wyoming is certainly appropriate given their heritage and importance.

These States represent the culmination of Thomas Jefferson's dream of one land—from sea to shining sea; statehood for territories stretching from the Minnesota border to the Straits of San Juan de Fuca, from the Canadian border to the Laramie Trail—statehood for the great agricultural heartland—to the northern tier of the Rockies—to the Pacific Ocean.

This legislation recognizes that these six States, though sparsely populated, represent a great portion of the resource base of our country—metals and minerals, oil, timber, water and power.

This is a land of immigrants from Europe and the Orient and a land where native Americans are a proud part of our heritage. The six State commemorative recognizes the brilliance of Jefferson's Louisiana Purchase; it recognizes our foresight to claim the Oregon Territory; and it recognizes the wisdom of Daniel Webster, who brilliantly negotiated a lasting boundary with our neighbor to the north in the Webster-Ashburton Treaty.

This is a land of rain forests and the Rockies, seafood and submarines, coal, and cattle, Yellowstone Park and Glacier Park, the Olympic Peninsula and Lake Coeur d'Alene—sturdy people, a part of America's past and a part of her future; unique as the coin we propose to strike from palladium, sister of platinum, rare to this continent.

The centennial States comprise a land of extreme beauty and extreme hardship, a land of hope and a land of tragedy, from the bitter winters of the Northern Plains to the strange, unearthly beauty of Yellowstone National Park; from the cradle of women's suffrage to Custer's blunder at the Little Big Horn.

It is a land of great rivers—the Missouri, Columbia and Snake, the Powder, Sweetwater, Salmon and Yellowstone; and the great mountains—the Wind River Range and Tetons, the Rockies, the Bitterroot Range and the Cascades.

It is also a land of great people—pioneering, enduring people with a sense of optimism and community, people who have helped define the American

character, people from Calamity Jane and Wild Bill Hickok to Jeanette Rankin and Mike Mansfield. Lest other Senators are moved to rise in defense of the greatness of their own States, let me cheerfully concede the point. Their States are great, too, in their own way. All have contributed to the miracle of the American spirit. All deserve recognition.

Indeed, many cities and States have already achieved the same kind of recognition we seek for our States today. There is a long and distinguished record of coins commemorating anniversaries of individual States and noting other significant occasions. This coin would honor six States at once.

Commemorative coins have been issued for the centennial of the States of Alabama, Arkansas, Illinois, Iowa, Maine, Missouri, Texas, the centennial of Wisconsin Territory, the 75th anniversary of California, and the 150th anniversary of Vermont.

Commemoratives have also been issued marking special events and anniversaries in California, Connecticut, Delaware, Georgia, Hawaii, Illinois, Maine, Maryland, Massachusetts, New York, Ohio, Oregon, Pennsylvania, Rhode Island, North Carolina, South Carolina, Tennessee, Virginia, and Washington.

Not a single commemorative, Mr. President, honors a city or State in the intermountain West. This is in part of an accident of history. In the past 20 years, only one State, a mountain State—Colorado in 1976—celebrated its centennial.

But in part it is yet another symbol of the realities of congressional policy toward the West over much of the first two centuries of our history.

The Northwest centennial coin thus would be an important reminder and recognition of the youth of our Nation, of its western heritage, of its continued vitality, and its continued interest in supporting U.S. resource independence.

DESIGN OF THE COIN

The six States that entered the Union in 1889-90 are the largest block of States to gain admission since the original 13.

The Northwest centennial commemorative coin will be designed to depict the vastness and beauty of the land, Jefferson's foresight in making the Louisiana Purchase, and his vision in promoting its exploration by Lewis and Clark in 1803-05 to strengthen the U.S. claim to the Pacific.

Mr. President, the centennial coin will be as unique and individual as the land and its people it will be commemorating. The coin will also be unique in the history of American coinage, and is already creating a great deal of interest.

This act authorizes the striking of 350,000 \$5 palladium centennial coins. On one side would be depictions of Thomas Jefferson and of Lewis and Clark overlooking the Missouri River. On the other side would be the Northwest centennial logo, along with the words "Northwest Centennial" and "Statehood 1889-90."

DOCUMENTS WEST

The Northwest Centennial Commemorative Coin Act will not cost the Treasury a single penny. In fact, the Congressional Budget Office reports that this legislation will raise \$7 million over 2 years. S. 2283 would earmark \$1.5 million of the receipts to finance a portion of Documents West Program.

The balance of the revenues, some \$5.5 million, will return to the General Treasury, Mr. President.

Documents West is a major museum exhibition and educational presentation that will bring together for the first time the significant documents and journals of exploration and other artifacts of Northwest history leading up to statehood for the six centennial States.

This traveling exhibit would give millions of people the opportunity to view first hand the Louisiana Purchase agreement, statehood enabling legislation, treaties with Britain and many Indian tribes, the Oregon Donation Law, original maps and other materials. Many of these documents have never been exhibited in the West.

A curriculum program is planned to bring this aspect of our history into classrooms throughout the region in conjunction with the traveling exhibits. Facsimiles of the major documents will be provided for classroom use, accompanied by lesson plans for teachers. Kits will be produced with participation of teachers, ensuring their usefulness to both teachers and students.

The exhibition is planned to open in Washington State in mid-1989, traveling to the five other States, plus Oregon and possibly British Columbia by the end of 1990.

STILLWATER MINE

The Stillwater Mine is the only primary source of platinum group metals in the United States. Palladium is used chiefly in the electronics industry—half of total consumption—in dentistry—one-third of total consumption—and in pollution control catalysts.

The uniqueness of this mine, and U.S. interest in reducing its dependence on imports for these strategic materials, argue for giving palladium a modest boost through a commemorative coin. Congress has given the U.S. gold industry a similar boost through its gold coin program, and while the United States is still a net importer of gold, reliance on foreign sources had diminished dramatically.

My bill would require that metal for the coin come from primary or second-

ary sources in the United States, thus creating a substantial new market for U.S. mined and recycled palladium.

This approach encourages the recycling not only of palladium, but of platinum as well, since the two often are used together, as in automobile catalytic converters.

The domestic recycling industry currently recaptures nearly 700,000 ounces of palladium each year in the United States. For 1986, the U.S. Bureau of Mines reports that approximately 400,000 ounces returned to the owner of the metal, while 275,000 ounces were returned to the open market.

Thus, palladium supply in the United States from Stillwater—an estimated 120,000 ounces a year—and from recycling—more than 275,000 ounces returned to the open market—totals more than 400,000 ounces per year. The proposed mintage of the palladium coin is 350,000, with 90 percent palladium content—315,000 ounces. The authorization for the coin is for 2 years.

The Stillwater mineowners recently announced a major production increase and aggressive exploration is underway.

I know all of us share an interest in maximizing U.S. recycling and mining of platinum group metals. The Northwest centennial bill would do that.

In this context, I might note that currently half the catalytic converters recycled from cars in the United States are purchased by and shipped to Japan.

Anything we can do to enhance recycling within the United States certainly is worthwhile given the current primary source of supply.

Mr. President, I want to offer my thanks to Senator PROXMIER and the Banking Committee staff, especially Sharon Bauman, for their help in redrafting and improving the original bill, especially as to conforming the bill with the current laws and practices of the U.S. coinage program.

In conclusion, Mr. President, I would like to remind my colleagues that this legislation has previously passed this body as an amendment to H.R. 3251, the bicentennial of the Congress commemorative coin bill, as were a number of other amendments, including the extension of FSLIC, all of which were stripped, with the exception of the FSLIC amendment, by the House.

Mr. President, I urge my colleagues to support this bill and hope that the House would take action as soon as possible so we can pass this legislation before the end of this Congress to ensure availability of the coin and the Documents West Program in time for the celebration of our centennials.

Mr. President, I ask unanimous consent that a brief description of the history of American commemorative

coins, a description of the Documents West Program, certain materials from the Northwest Centennial Commission, a short history of each centennial State and the calendar of centennial celebration activities for Montana and the other century States be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMEMORATIVE COINS

(R.S. Yeoman, "A Guidebook of United States Coins," 41st ed., 1988, Racine, WI, 1987, p. 209)

Commemorative coins have been popular since the days of the Greeks and Romans. In the beginning they served to record and honor important events and in the absence of newspapers they proved highly useful in passing along news of the day.

Many modern nations have issued commemorative coins and such pieces are highly esteemed by collectors. Yet no nation has surpassed our own country when it comes to commemorative coins and in this we have reason to be proud.

The unique position occupied by commemoratives in United States coinage is largely due to the fact that with few exceptions they are the only coins that have a real historical significance. The progress and advance of people in the New World are presented in an interesting and instructive manner on the commemorative issues. Such a record of facts artistically presented on our gold and silver memorial issues appeals strongly to the collector who favors the historical side of numismatics. It is the historical features of the commemoratives, in fact, which create interest among many people who would otherwise have little interest in coins.

Commemorative issues are considered for coinage by two committees of Congress—The Committee on Banking, Housing and Urban Affairs, and the Committee on Banking and Currency of the House. Congress is guided to a great extent by the reports of these committees when passing upon bills authorizing commemorative coins.

These special coins are usually issued either to commemorate events or to help pay for monuments or celebrations that commemorate historical persons, places or things. The commemorative coins are offered in most instances by a commission in charge of the event to be commemorated, and sold at a price in advance of the face value of the piece. All are of the standard weight and fineness of traditional gold and silver coins, and all are legal tender.

Commemorative coins are popularly collected either by major types or in sets with mint mark varieties. In many years no special commemorative coins were issued. Some regular coins such as the Lincoln cent of 1909, Washington quarter of 1932, and Bicentennial issues of 1976 are also considered to be commemoratives.

DOCUMENTS WEST—AN EXHIBITION OF DOCUMENTS AND SUPPORTING MATERIALS TRACING THE ROAD TO STATEHOOD FOR THE GREAT NORTHWEST STATES

A CENTENNIAL CELEBRATION

The Washington State Centennial Commission, in concert with the Centennial Commissions of North Dakota, South Dakota, Wyoming, Idaho, and Montana, proposes a major exhibition of the docu-

ments instrumental in creating these "89" and "90" Centennial states. Starting with the Louisiana Purchase Agreement, and including treaties between the United States and Great Britain, the Oregon Donation Law, many Indian treaties, and the enabling acts affecting each of the states, such an exhibit would, for the first time, give millions of people the opportunity to view first-hand the documents that created the states in which they live. Using integrated display techniques the exhibit will combine videos and skillfully used artifacts to create a lively context in which to display the documents. This exciting exhibition, which would also travel to Oregon, would provide a focal point for the upcoming Centennial celebrations.

Combined with curricular packets and other materials, and augmented by holdings in various state archives, such an exhibition would reach in dramatic fashion large portions of the population, especially school children. For those that were reached, history would come alive and the meaning of statehood would be clarified—an appropriate goal for these Centennial celebrations.

BACKGROUND

During 1989 and 1990 the six Great Northwest States (North and South Dakota, Wyoming, Montana, Idaho, and Washington) celebrate the 100th anniversary of their statehood. Each of these states will take the opportunity afforded by the centennial to reflect on the process by which they became part of the United States. They will also consider the ramifications of statehood.

As a joint activity, these six states (along with Oregon) propose a major exhibition revolving around documents which were central in the process of attaining statehood. These documents fall into two categories: the landmark national documents, including the Louisiana Purchase agreement; and documents pertaining to the individual states. Many of these documents have never been exhibited in the West. They would be the centerpiece of a major exhibition that would also include artifacts, paintings, ephemera and other material.

The exhibition would travel through the seven states, beginning in Washington. The state archivists and Centennial commissions from those states support this joint effort; their letters are appended to this proposal. Care will be taken to ensure the widest possible visitorship for the exhibition, coupled with the security required to protect an extremely valuable exhibition.

DOCUMENTS WEST—THE EXHIBITION

What is the significance of being American rather than Canadian, Russian or Spanish citizens? What influence did the presence of the Hudson Bay Company have on the early settlement of the Northwest? How did the Northwestern states become part of the United States? What were the issues that affected the debate over statehood? What effect did the westward expansion have on the native Americans living in this region?

For many people these questions are abstract. The celebrations of the six Centennial states aim to focus attention on the history of each state, and to make historical issues tangible to the citizenry.

What better way to demonstrate concretely and dramatically the process by which statehood was achieved and to focus attention on the implications of statehood than by exhibiting the landmark documents of the region? Virtually every child in America

studies American history, and remembers references to the Hudson Bay Company, the Louisiana Purchase, the Lewis and Clark Expedition, and "54-40 or fight!" An exhibition containing major documents pertaining to these events would pique the interest of hundreds of thousands of people, especially during the Centennial celebrations that will focus on our historical roots.

The exhibition would occupy 4-6,000 square feet, and would be arranged chronologically, to tell a story of statehood unfolding. A high-quality video presentation would serve to orient visitors at the start of the exhibition. In each state, the exhibition would be different, since it would contain both the core documents and those documents and supporting materials unique to that state.

CORE DOCUMENTS

Many of the key documents in the history of the six Centennial states have never been exhibited west of the Mississippi River. Such documents as the Louisiana Purchase Agreement; the 1818 agreement with Spain that relinquished that nation's claims to Washington State; the authorization by Thomas Jefferson of the Lewis and Clark Expedition; and the American-British Treaty of 1842 are a few of the many official documents that would be of particular interest.

But besides official documents, many other fascinating materials could be incorporated into the exhibition. These include the remains of Lewis and Clark's diary, Hudson Bay Company papers, the many original reports extolling the West that fueled settlement; papers from explorers, missionaries, and trappers; and even settlers' diaries.

All of these rare and valuable documents would be displayed in climate-controlled, secure cases and augmented by interpretive materials. A visitor would first watch a brief video providing the historical context for the exhibition. The Louisiana Purchase Agreement would be the next major display, surrounded by other documents, artifacts, maps, and manuscripts that offer a specific context.

VISUAL ENHANCEMENT

As a visitor goes through the 4-6,000 square feet of the exhibition, he or she will follow the road to statehood of the six states. Documents will provide a framework, but this skeleton will be fleshed out with materials that in a more visual, immediate way illustrate the impact of the documents. The Lewis and Clark Expedition can be illustrated with maps, drawings, and other records left by the explorers. Indian treaties offer similar opportunities for additional elucidation, with everything from "speaking staffs" to weaponry utilized by both sides in the wars.

Important also will be documents and materials related to spreading information about the Centennial states in the East. Letters, newspaper dispatches, painting, and other means of communication all served to excite people in the East about the new territories. They heard of a land of unlimited opportunity, astonishing beauty and wealth, and great adventure. Such tales brought new settlers west and also increased the desire of politicians to assure that these territories became part of the United States.

Many types of materials exist to graphically display the nature of life in these states. Remnants of the Hudson Bay Company, tools used by settlers, articles of domestic culture, and other materials all bring immediacy to the documents that trace the development of statehood.

Photographs also provide evidence of life in the period after 1850 and enable visitors to gain a feel for the past.

The exhibition will be designed to travel easily, with modules used to display units of materials. Design specification will be developed that will permit each state to fold in documents and artifacts unique to that area. The overall effect will be an exhibition in which visitors can spend an hour or two or perhaps longer to delve into their history.

EDUCATIONAL PROGRAMMING

Connected with Documents West, a curricular program will be developed to bring graphic history into the classroom. Facsimiles of the major documents will be provided for classroom use, accompanied by lesson plans for teachers. These kits will be produced with the participation of teachers, ensuring their usefulness to both teachers and students.

The importance of such materials, especially during the Centennial year, cannot be overestimated. Students will have the encouragement of a statewide effort bringing history to the forefront. With the presence of an exhibit featuring priceless documents, attention will be placed on the reasons for statehood and on the study of history generally.

The facsimile kits will provide a means for involving hundreds of thousands of students with primary materials. Such materials will give students the chance to come face to face with the actual documents and encourage close reading of the words contained. As they trace the move toward statehood from document to document, students will discover history as an active pursuit, and see its relevance to their own lives. This will perhaps be the single most important legacy of the Centennial celebrations.

HISTORY OF THE SIX STATES

Most of the territory comprising North Dakota, South Dakota, Montana, Washington, Idaho, and Wyoming was purchased in 1803 by President Thomas Jefferson in what has become known as the Louisiana Purchase. In 1804, President Jefferson sent Meriwether Lewis and William Clark to explore the vast Louisiana Territory and to blaze a trail to the Pacific Ocean. It was during their exploration of this territory that the area's potential was first realized.

In August 1804 Lewis and Clark camped in the South Dakota region for the first time, near what is now Elk Point. They followed the Missouri River through the region. They reached central North Dakota in October 1804 and built Fort Mandan on the east bank of the Missouri River, where they stayed until April 1805. That year, they became the first white men to explore the Idaho region. Lewis and Clark led their expedition across Montana, crossed the Rocky Mountains and reached the Columbia River in Washington, following it to the Pacific Ocean. In 1806 Lewis and Clark returned eastward through this same territory.

These States have greatly contributed to the history of the United States. The names of Wild Bill Hickok, Calamity Jane, Chief Crazy Horse, Kit Carson, and Jim Bridger are all associated with the history of these States. Lieutenant Colonel George Armstrong Custer made his last stand in 1876 during the battle at the Little Bighorn River against the Sioux Indian Chief, Sitting Bull, in Montana. Montana also has the distinction of having elected the first woman to Congress, sending Jeannette

Rankin to the U.S. House of Representatives in 1916.

Washington State is the only state named after a U.S. president. Washington grows more apples than any other state and leads the country in production of hops. Mount Rushmore National Memorial—paying tribute to Presidents Washington, Jefferson, (Theodore) Roosevelt and Abraham Lincoln—is located in South Dakota. Wyoming is the site of the country's first national park—Yellowstone—and the first national forest—Shoshone. Wyoming also has the distinction of being the first state to grant women the right to vote, hold public office, and serve on juries (December 10, 1869). In 1870, Esther H. Morris became the nation's first woman justice of the peace. In 1924, Wyoming voters elected the first woman governor, Nellie Tayloe Ross.

The importance of natural resources located in these States cannot be overlooked. Homestake Mine, the largest gold mine in the United States, is located in South Dakota. Sunshine Mine, the largest U.S. silver mine, located in Idaho. Stillwater Mine, the only primary U.S.-producing mine of palladium, is located in Montana. The 6 States' other resources include oil, coal, natural gas, salt, copper, uranium, timber, and agricultural products such as wheat.

The admission of these six States to the Union is the largest block of states to be admitted since the original 13. It also was the culmination of Thomas Jefferson's dream of bringing the territories together as one land, from coast to coast. A brief history of each territory to statehood is presented below.

NORTH DAKOTA

Few settlers came to the North Dakota region before the 1870s. In 1682, Robert Cavalier, Sieur de la Salle, claimed for France all the land drained by the Mississippi River system. This territory included the southwestern half of present-day North Dakota, because the Missouri River flows into the Mississippi. France also claimed the vast area south of Hudson Bay, Canada, which included the northeastern half of North Dakota. In 1713, France gave its land west of the Mississippi to Spain. Spain returned it to France in 1800. In 1803, the United States bought this region as part of the Louisiana Purchase. In 1818 the United States obtained northeastern North Dakota by a treaty with Great Britain. All of present-day North Dakota then became a U.S. territory.

Congress created the Dakota Territory in 1861. During the 1870s, the Northern Pacific Railroad began to push across the Dakota Territory. It was also during this time that people began to ask Congress to divide the Dakota Territory into two parts. In February 1889 Congress established the present boundary between North Dakota and South Dakota. On November 2, 1889 North Dakota became the 39th state. John Miller became North Dakota's first governor.

SOUTH DAKOTA

As noted above, South Dakota was originally part of the Dakota Territory. The French-Canadian explorers Francois and Louis-Joseph La Verendrye were the first white persons known to have visited the South Dakota area. In 1743, the two brothers buried a small lead plate near the site of present-day Fort Pierre to prove they had been there. It was discovered in 1913 and now resides in the South Dakota State Historical Museum. Pierre Dorion, a French fur trader arrived in the lower James River

Valley around 1785 and became the first white person to settle permanently in the South Dakota area.

The discovery of gold in the Black Hills in 1874 created a huge land boom. In addition, public land offerings by the government added to the population, increasing it from 12,000 in 1870s to 348,600 by 1890. South Dakota became the 40th state of the Union on November 2, 1889. Arthur C. Mellette became South Dakota's first governor.

IDAHO

Indians lived in the Idaho region more than 10,000 years ago. In 1805, Lewis and Clark crossed the great Bitterroot Range. Then, aided by the Shoshone and Nez Perce Indians, the explorers built canoes and floated down the Clearwater and Snake Rivers to the Columbia River. In 1809 David Thompson, a British explorer, built a fur-trading post on the shores of Pend Oreille Lake. In 1834, two more posts were built. They were Fort Hall, founded by the American Nathaniel Wyeth, and Fort Boise, founded by Thomas McKay of the British Hudson's Bay Company.

The Idaho Territory was established by Congress on March 4, 1863, with Lewiston as the capital. The territory included present-day Idaho, Montana, and almost all of Wyoming. Montana became a separate territory in 1864, and Wyoming was made a territory in 1890. In 1864, Boise became the capital of the constitution and Idaho entered the Union as the 43rd state on July 3, 1890. George L. Shoup became Idaho's first governor.

MONTANA

French trappers may have visited the Montana area as early as the 1740s. The United States obtained most of what is now Montana as part of the Louisiana Purchase in 1803. The northwestern part was gained by treaty with Great Britain in 1846. At various times, part of Montana were in the territories of Louisiana, Missouri, Nebraska, Dakota, Oregon, Washington, and Idaho.

In 1841, Jesuit missionaries established St. Mary's Mission, the first attempt at a permanent settlement, near what is now Stevensville. In 1847, the American Fur Company built Fort Benton on the Missouri River. The town that developed there is Montana's oldest continuously populated town.

The People of Montana first asked for statehood in 1884, but it was not until November 8, 1889 that Montana was admitted as the 41st state. Joseph K. Toole became Montana's first governor.

WASHINGTON

At least 12 different tribes of Indians lived in the Washington region before white people came. The first white people to see the Pacific Northwest were probably Spanish and English explorers who sailed northward along the coast from California during the 1500s. The Europeans did not land in what is now Washington until the late 1700s. Russian fur traders settled in Alaska during that time. To prevent their expansion further south, Spain sent several expeditions to establish Spanish right to the area. In 1775, Bruno Heceta and Juan Francisco de la Bodega y Quadra made the first landing in Washington, near present-day Point Grenville.

The first English explorer to reach the area was Captain James Cook, in 1778. Between 1792 and 1794 George Vancouver, another English explorer, made a survey of Puget Sound and Georgia Gulf. England based its claim to the region on the explorations of Cook and Vancouver. An American,

Captain Robert Gray, reached the mouth of the Columbia River in 1792 and this became a basis for American claims to the region. Lewis and Clark's expedition in 1805 gave the United States a second claim to this territory. During the 1800s both British and American fur traders operated in the region. The Washington and Oregon territories were disputed by Britain and the United States. It was not until 1818 that the two countries signed a treaty permitting their citizens to trade and settle in that region, then called the Oregon Country. The boundary dispute between the United States and Great Britain reached a climax during the presidential campaign of 1844. James K. Polk partially based his campaign on the claim that all the region south of latitude 54 degrees 40 minutes belonged to the United States ("Fifty-four Forty or Fight" was the campaign slogan). In 1846, President Polk signed a treaty with Great Britain setting the boundary line at the 49th parallel, Washington's present northern border. In 1853, President Millard Fillmore signed a bill creating the Washington Territory. On November 11, 1889 Washington became the 42nd state. Elisha P. Ferry became Washington's first governor.

WYOMING

Indians lived in the Wyoming area at least 11,000 years ago. French trappers may have entered the region in the mid-1700s, but it was not until after 1800 that exploration of the area began. The United States bought most of the region from France in 1803, as part of the Louisiana Purchase. In 1807, a trapper named John Colter became the first white man to travel across the Yellowstone area. In 1812, a group of fur traders led by Robert Stuart, discovered a relatively easy way across the mountains from west to east through South Pass. By the mid 1840s, pioneers were traveling west through the Wyoming area on three famous trails: the California Trail, the Mormon Trail to Utah, and the Oregon Trail to the Pacific Northwest. All three took the South Pass through the mountains.

Both the discovery of gold and the incursion of the Union Pacific Railroad in 1867 helped boost the development of Wyoming. In 1868 Congress created the Territory of Wyoming. In 1872, during Wyoming's territorial days Yellowstone Park was created—the country's first national park. Wyoming became the 44th state on July 10, 1890. Francis W. Warren became Wyoming's first Governor.

MONTANA CENTENNIAL CALENDAR—1988-89 EVENTS, PROJECTS, PUBLICATIONS AND ENTERTAINMENT

This calendar is current as of July 12, 1989.

(Note: This calendar lists events, publications, and performing artists sanctioned or authorized by the Montana Statehood Centennial Commission and Office. Although we try to keep as current as possible, the Centennial Office cannot be responsible for changes on this calendar. Please contact the sponsor for the most up-to-date information.)

1988

Montana Nature Preserves—1988-89. Nature preserve and land conservation fundraising project.

The Nature Conservancy, Big Sky Office, PO Box 258, Helena, MT 59624.

Montana Community Foundation—Resources for community development.

Montana Community Foundation, PO Box 1172, Helena, MT 59624.

Where Statehood Began: Montana's Centennial Sites—Inventory of properties built between 1864 and 1889. Nomination deadline: October 1, 1988.

State Historic Preservation Office, 225 N. Roberts, Helena, MT 59620.

August 6, 1988: 100th Birthday Celebration of the Original Governor's Mansion—Helena. Music, tours, refreshments.

Montana Historical Society, 225 N. Roberts, Helena, MT 59620.

August 19-20, 1988: Montana Cowboy Poetry Gathering—Big Timber. Original western poetry and songs. (Also in August 1989).

Montana Cowboy Poetry Gathering, PO Box 1255, Big Timber, MT 59011.

September 16-18, 1988: Grand Opening of "Montana Homeland," a new Montana history exhibition—Montana Historical Society Helena.

Montana Historical Society, 225 N. Roberts, Helena, MT 59620.

October 8, 1988 through 1989: Billings Symphony features compositions by Montana composers during its 1988 and 1989 symphony seasons.

Billings Symphony Orchestra, PO Box 602, Billings, MT 59103.

November 1988:

Veterans Art—Exhibition of art work by Montana veterans.

Veterans Administration Medical Center and Miles City Area Chamber of Commerce, 210 S. Winchester Ave., Miles City, MT 59301.

Old Time Style Show—Miles City. Miles City Roundup '89, 901 Main, Miles City, MT 59301.

November 3-5, 1988: Montana History Conference—Livingston.

Montana Historical Society, 225 N. Roberts, Helena, MT 59620.

November 8, 1988: Admissions Day. Governor Schwinden proclaims the beginning of the Centennial Year.

November 11, 1988: Veterans Day Centennial Ball—Miles City.

Veterans Administration Medical Center and Miles City Area Chamber of Commerce, 210 S. Winchester Ave., Miles City, MT 59301.

November 12-13, 1988: Centennial Year Opening Ceremonies—St. Mary's Mission, Stevensville. Program at mission, historic tours, banquet.

St. Mary's Mission Board of Directors, PO Box 211, Stevensville, MT 59870.

November 26, 1988: Martha Graham Dance Theater—Alberta Bair Theater, Billings. Proceeds to establish Town Hall Lecture Series to endow theater.

Alberta Bair Theater, PO Box 1556, Billings, MT 59103.

December 1988:

Capitol Christmas Tree—Decorations by Legislative Spouses.

Pledge Drive, KUSM-TV, public television in Bozeman. Centennial mug and Christmas ornament as gifts.

KUSM-TV, Montana State University, Bozeman, MT 59717.

1989

Photography Exhibition—An exhibition of photographs of old Montana mining towns. Statewide tour in 1989.

Denes G. Istvanffy, PO Box 20343, Billings, MT 59104.

Montana Nature Preserves—Ongoing 1988-89, Nature preserve and land conservation fundraising project.

The Nature Conservancy, Big Sky Office, PO Box 258, Helena, MT 59620.

Montana Bluebird Trail—Bluebird nesting boxes across Montana. Ongoing 1989.

Art Aylesworth, PO Box 794, Ronan, MT 59664.

Montana Community Foundation—Resources for community development.

Montana Community Foundation, PO Box 1172, Helena, MT 59624.

Paul Bunyan Restoration—Restoration of the only remaining Flathead Lake logging tow boat, the Paul Bunyan.

Miracle of America's Story Museum, Route 1, Highway 93S, Polson, MT 59860.

Daly Mansion Historic Site—Listing of Riverside, the Marcus Daly Mansion in the Bitterroot Valley, as an historic site.

Daly Mansion Preservation Trust, Inc., PO Box 1744, Hamilton, MT 59840.

Helena Community Cultural Center—Renovation of the old Lewis and Clark County jail into a center for film, dance, theater, music, and cabaret performances.

Helena Film Society, 9 Placer Street, Helena, MT 59601.

McCone County Museum Project—Circle Monument to Livestock Growers of Eastern Montana, calendar of historic events, publication of newspaper, "First Year of Circle at New Location," and other activities.

McCone County Centennial '89ers, Circle, MT 59215-0334.

Lewistown Historic Preservation Office—Slide-tape presentation documenting tools and techniques of stonemasonry practiced in Lewistown area.

Lewistown Historic Preservation Office, Box 626, Lewistown, MT 59457.

Montana Minutes—Series of 60 second radio vignettes of Montana history.

Lynne Turner Fitzgerald, 96B Antelope Trail, Billings, MT 59105.

Opera House Restoration, Chinook, Chinook Centennial '89ers, Box 428, Chinook, MT 59523.

Peace Park and Garden Trail—Design and dedication of hiking trail from Peace Garden, North Dakota, through Glacier National Park to Two Parks, Washington.

Joe Belgium, 1217 3rd Ave. South, Great Falls, MT 59405.

Northwest Centennial Composition Contest—To encourage the writing and performance of a musical work by a Northwest composer. Billings, Butte, Helena, Great Falls, Missoula, Bozeman, and Kalispell symphonies will present the work.

Montana Association of Symphony Orchestras, 2739 S. Gregory Drive, Billings, MT 59104.

Montana Centennial Businesses—Statewide inventory and honoring of Montana businesses in operation more than 100 years.

Department of Commerce, 1424 9th Ave., Helena, MT 59620.

Where Statehood Began: Montana's Centennial Sites—Inventory of properties built between 1864 and 1889. Ceremonies honoring owners for their stewardship.

State Historic Preservation Office, 225 N. Roberts, Helena, MT 59620.

JANUARY

January and February 1989: Sled Dog Race—Helena.

Montana Mountain Mushers, 517 Waukesha, Helena, MT 59601.

January-October 1989: Montana Centennial Energy Calendar and Contest—1989 calendar with selected work of 13 young artists.

Montana Energy Education Council, 5555 Black Bear Road, Bozeman, MT 59715.

January 28-29, 1989: U.S. Outdoor Speed Skating Championships—Butte.

U.S. High Altitude Speed Skating Foundation, Inc., 1 Olympic Way, Butte, MT 59702-3208.

FEBRUARY

Centennial Musical Folk Opera—State tour in schools and communities.

Opera Workshop of Western Montana, PO Box 5692, Missoula, MT 59806.

February 10-11, 1989: The Fractured Folies Celebration of Montana's Centennial, Glendive.

Glendive Community Hospital Auxiliary, 412 E. Hughes, Glendive, MT 59330.

February 12-19, 1989: Ski for Light International Week, Bozeman—Event to draw visually impaired and paraplegic adults.

Sons of Norway, 1719 Willow Way, Bozeman, MT 59715.

SPRING

Ghost Town Ballet Tour—Statewide tour by the Montana Ballet Company. Modern ballet of actual histories of ghost towns, choreographed to folk music written over a century ago.

Montana Ballet Company, PO Box 6021, Bozeman, MT 59717.

5th Annual Calligraphy Workshop and Exhibit—Lewis and Clark Library, Helena, for one month.

Centennial Youth Ambassador Exchange Program—Exchange of high school students, eastern and western Montana.

Meadow Gold Dairies, Inc., PO Box 929, Billings, MT 59102.

The Shape of Montana—Juried exhibition of contemporary art, Haynes Fine Arts Gallery, Bozeman. Art will incorporate the physical shape of Montana.

Haynes Fine Arts Gallery, Haynes Hall, Montana State University, Bozeman, MT 59717.

Smith Mine Memorial Grove—Red Lodge. Planting and dedication of a grove of trees honoring miners killed in the Smith Mine disaster in 1943.

Memorial Grove Committee, PO Box 507, Red Lodge, MT 59068.

MARCH

Women's History Lecture Series—Helena. Month-long lecture series at the Montana Historical Society.

Montana Historical Society, 225 N. Roberts, Helena, MT 59620.

A Celebration of Skiing at Red Lodge Grizzly Peak.

March 4—Winter Carnival (Includes National Ski Joring Finals).

March 12-18—Western States J1 Championships (Junior Olympics).

March 23-24—Montana Regional Special Olympics Winter Games.

March 30-April 1—Masters and Citizens Races.

Red Lodge Grizzly Peak, Inc., PO Box 750, Red Lodge, MT 59068.

March 16-18, 1989: 21st Annual C.M. Russell Art Auction—Great Falls Auction of original Western art. Benefit for the C.M. Russell Museum.

Great Falls Advertising Federation, PO Box 619, Great Falls, MT 59401.

APRIL

Chili Cook-Off—Miles City.

Miles City Roundup '89, Miles City Chamber of Commerce, 901 Main, Miles City, MT 59301.

April 1, 1989: Museum of the Rockies Dedication—Bozeman, Dedication of the new addition at the Museum of the Rockies

and the Tinsley Homestead, constructed in 1889.

Museum of the Rockies, Montana State University, 400 West Kagy, Bozeman, MT 59717.

April 6-June 25, 1989: Centennial Quilt Exhibition—Quilts related to Montana history, selected in a competition sponsored by the Montana Historical Society and the Helena Quilters Guild, Montana Historical Society, Helena, and traveling statewide in 1989 and 1990.

Montana Historical Society, 225 N. Roberts, Helena, MT 59620.

April 28, 1989: All-Valley Centennial School Day—Bitterroot Valley students celebrate the Centennial.

Bitterroot Centennial Organization, 102 Geneva, Hamilton, MT 59840.

MAY

The William A. Clark Collection—Billings and Helena. An exhibit of art on loan from the Corcoran Gallery of Art, Washington, D.C., at the Yellowstone Art Center, Billings. At the Montana Historical Society, Helena, in October. Sponsored by Yellowstone Art Center and MHS.

Yellowstone Art Center, 401 N. 27, Billings, MT 59101.

A Salute to Women—Banquet honoring women who have excelled in their fields and have contributed to community life in Helena.

Helena YWCA, 501 N. Park, Helena, MT 59601.

May 1-29, 1989: Montana Wildlife Art Show—One of three shows at the MonDak Heritage Center, Sidney. Painting, drawings, three dimensional art. (Other showings are Montana Places, June; Montana People, July).

MonDak Heritage Center, 120 3rd Ave. SE, Sidney, MT 59270.

May 6, 1989: The Spokane Memorial—Helena. A race for Montana-born and trained thoroughbreds to commemorate the 1889 Kentucky Derby victory by Spokane, a Montana horse.

Mr. and Mrs. Joe Olheiser, 1616 Cannon #23, Helena, MT 59601.

May 14, 1989: Cowboy Poetry and Range Ballads—Custer County Art Center, Miles City. A one-day program complementing the Art Center's Western Art Roundup and the annual Bucking Horse Sale in Miles City.

Custer County Art Center, PO Box 1284, Water Plant Road, Miles City, MT 59301.

May 19-21, 1989: Miles City Bucking Horse Sale—Annual bucking horse sale. Parades, horse races, dance, barbecue, and other activities.

Bucking Horse Board of Governors, PO Box 1058, Miles City, MT 59301.

May 19-21, 1989: Garden City Ballet Performance—Missoula. A ballet with a contemporary western theme, choreographed by Michael Smuin.

Garden City Ballet Company, 229 E. Front St., Missoula, MT 59802.

May 26-29, 1989: State Square and Round Dance Festival, Great Falls.

Roy Bruce, 336 Riverside 4 West, Great Falls, MT 59404.

SUMMER

Summer at the Society—Noonhour, weekly programs for families on the lawn of the Montana Historical Society, Helena. Programs will focus on the Centennial and Montana history and culture.

Montana Historical Society, 225 N. Roberts, Helena, MT 59620.

Bitterroot Valley History Pageant—Ravalli County. An outdoor pageant dramatizing the history of the Bitterroot Valley.

Bitterroot Valley Historical Society, Ravalli County Museum, 205 Bedford, Hamilton, MT 59840.

Rocky Mountain Outfitters Rendezvous—Near Townsend.

Montana Outfitters and Guides Association, Box 1339, Townsend, MT 59644.

Tri-State Transpanhandle Triathlon—Bike, run, canoe/row/kayak race from Montana across Idaho Panhandle to Washington.

Recreation Dept., City of Sandpoint, 110 Main, City Hall, Sandpoint, ID 83864.

The Voyage of The Centennial Messenger—A 300-mile horseback and 2,500-mile canoe journey from Henry's Fork, Wyoming, following the Wind, Big Horn, Yellowstone, and Missouri rivers to St. Louis. Retraces the historical route of General Ashley from the first rendezvous site in the Rocky Mountains to Missouri. Celebrates the Northwest Centennial.

Riverton Area Chamber of Commerce, First and Main Streets, Riverton, WY 82501.

Capitol Floral Display—North lawn State Capitol, Helena, Dept. of Fish, Wildlife and Parks.

West Yellowstone Flyfishing Expo—In the West's greatest flyfishing country; seminars, contests, demonstrations, youth events. Participation by the Federation of Flyfishers Conclave.

West Yellowstone Chamber of Commerce, PO Box 458, West Yellowstone, MT 59758.

Boy Scout Camporee—All-state Council.

Montana Council Boy Scouts of America, Inc., Box 3226, Great Falls, MT 59403.

The Pride of Montana Sheep and Wool Festival—Bozeman. Celebrating the sheep and wool industry.

Bozeman Area Chamber of Commerce, PO Box B, Bozeman, MT 59715.

JUNE

Lewis and Clark Run Across Montana—Relay run from Wibaux to Lolo Pass, evening festivities in three places along the route.

Montana Centennial Run Across Montana, 1904 4th St. NW, Great Falls, MT 59404.

Red Lodge Music Festival—Month-long schedule of music recitals.

Red Lodge Music Festival, Inc., 2649 S. Bridger Dr., Billings, MT 59702.

Little Bighorn Days—Hardin. An annual event, this year with a Centennial flavor.

Hardin Area '89ers, 204 N. Center Ave., Hardin, MT 59034.

June 2-3, 1989: Governor's Centennial Cup—Helena. Two-part running event in the annual Governor's Cup races, including a 100-mile race.

Blue Cross and Blue Shield of Montana, PO Box 4309, Helena, MT 59604.

June 2-August 5, 1989: The Black Robe Mission Project—An 80-day horseback journey tracing various routes of early Jesuit missionaries in Montana, using authentic ways and means.

Oregon Province of the Society of Jesus, N. 1107 Astor, Spokane, WA 99203.

June 12-July 4, 1989: Bannack to Helena '89: The Centennial Wagon Train—Wagon trains to converge at the Capitol.

Montana Draft Horse and Mule Association, Route 1, Box 1592, Whitehall, MT 59751.

June 15-July 15, 1989: Montana Places Art Show—The second of three shows at the MonDak Heritage Center, Sidney. Painting, drawings, three dimensional art. (Third in series is Montana People, July).

MonDak Heritage Center, 120 3rd Ave. SE, Sidney, MT 59270.

June 22-24, 1989: The Centennial Symposium—Billings. A humanities symposium of the six Northwest Centennial states to discuss regional history, heritage, and culture.

Montana Historical Society, 225 N. Roberts, Helena, MT 59620.

June 22-25, 1989: Montana Traditional Jazz Festival—Dixieland in the heart of the Queen City.

Montana Traditional Jazz Festival, PO Box 856, Helena, MT 59624.

June 23-25, 1989: Centennial Celebration Days—Fort Benton. Celebration and dedication of the Montana Agriculture Center and Museum of the Northern Great Plains.

Fort Benton Community Improvement Association, PO Box 339, Fort Benton, MT 59442.

June 24, 1989: Montana Statehood Centennial Airshow of Bozeman—Military and civilian aircraft, exhibits, other events.

Bozeman Area Chamber of Commerce, PO Box B, Bozeman, MT 59715.

June 24, 1989: Pony Express Mail Carry-Terry.

Terry Centennial Committee, Box 6, Terry, MT 59349.

June 24-25, 1989: Beartooth Days—Red Lodge. Includes 21st annual Beartooth Run and other facilities.

Red Lodge Area Chamber of Commerce, PO Box 988, Red Lodge, MT 59068.

June 30-July 4, 1989: Montana Centennial Nez Perce Trail Ride—Chinook.

Chinook Centennial '89ers, PO Box 26, Chinook, MT 59523.

June 30-July 5, 1989: Daly Days: A Festival of the Arts—Hamilton. A celebration of the Bitterfoot Valley community and one of its early residents, Marcus Daly.

Daly Days: Festival of the Arts, PO Box 744, Hamilton, MT 59840.

June 30-July 2, 1989: Montana Chamber Centennial Golf Classic—Bigfork.

Montana Chamber Foundation, Box 1162, Helena, MT 59624.

JULY

Big Sky State Games—Statewide, multi-event sports festival for amateur athletes of all ages.

Big Sky State Games, PO Box 2318, Billings, MT 59103.

Hot Air Balloon Exhibition—Miles City.

Miles City Roundup '89, Miles City Chamber of Commerce, 901 Main, Miles City, MT 59301.

July 1, 1989: Recalling Memories—Utica. Parade, original play, supper and community celebration.

Utica Women's Club, PO Box 29, Utica, MT 59452.

July 1, 1989: Hometown Rodeo—Red Lodge.

Red Lodge "Home of Champions" Rodeo, PO Box 710, Red Lodge, MT 59068.

July 1-4, 1989: Joliet All Class Reunion—Joliet High School.

Joliet Reunion, Box 107, Joliet, MT 59041.

July 1-9, 1989: Can-Can Revival—Dance and music in Red Lodge.

Red Lodge Grizzly Peak-A-Boos, PO Box 934, Red Lodge, MT 59068.

July 1-9, 1989: Montana Centennial Rendezvous—Red Lodge, Living history and activities in the western rendezvous tradition.

Red Lodge '89ers, PO Box 1989, Red Lodge, MT 59068.

July 2-4, 1989: Red Lodge Centennial "Home of Champions" Rodeo—Red Lodge.

Red Lodge "Home of Champions" Rodeo, PO Box 710, Red Lodge, MT 59068.

July 2-9, 1989: Chinook Centennial—A week of festivities in Chinook.

Chinook Centennial '89ers, Box 428, Chinook, MT 59523.

July 3-4, 1989: Harlowton Rodeo—Western celebration, Harlowton.

Harlowton Chamber of Commerce Centennial Committee, Box 41, Harlowton, MT 59036.

July 4, 1989: Dedication of "The Explorers at the Portage"—Great Falls. A ceremonial unveiling of a bronze statue of Lewis and Clark, York, and Lewis' dog, Seaman, by sculptor Bob Scriver.

Western Legacy, 1104 Avenue C North West, Great Falls, MT 59404.

July 4, 1989: Old Time Fourth of July—Helena.

Capital City '89ers, 201 E. Lyndale, Helena, MT 59601.

July 4, 1989: Centennial Rodeo—Terry. Terry Centennial Committee, Box 6, Terry, MT 59349.

July 7-9, 1989: Chief Victor Days—Victor. A community celebration with a Centennial flavor.

Vitor Community Booster Club, PO Box 234, Victor, MT 59875.

July 7-9, 1989: Wild Horse Stampede and Parade—Wolf Point.

Wolf Point Chamber of Commerce and Agriculture, PO Box 237, Wolf Point, MT 59201.

July 15, 1989: Old Times Festival and Reunion—Fairview.

Fairview Annual Old Timers Festival & Reunion, c/o Doris Taylor, Fairview, MT 59221.

July 15-16, 1989: Homesteader Days—Huntley Project, 25th anniversary celebration of Homesteader Days, honoring pioneers.

Huntley Project Lions Club, Box 26, Ballantine, MT 59006.

July 15-16, 1989: Bannack Days—Bannack. Annual celebration of mining and frontier life at the site of Montana's first territorial capital.

Bannack State Park, 4200 Bannack Road, Dillon, MT 59725.

July 15-16, 1989: Hellgate Rendezvous—Missoula. Juried arts and crafts show.

Mary Lou Sennett, 905 Evans, Missoula, MT 59801.

July 15-August 15, 1989: Montana People Art Show—The third in a series of three shows at the MonDak Heritage Center, Sidney, Painting, drawings, three dimensional art.

MonDak Heritage Center, 120 3rd Ave. SE, Sidney, MT 59270.

July 21-23, 1989: Arts and Crafts Festival—Cottonwood Ranch, Roberts.

Beartooth '89ers, PO Box 1989, Red Lodge, MT 59068.

July 22, 1989: The Montana Centennial Parade—Great Falls. The official Centennial Parade—a grand celebration!

Cascade County '89ers, PO Box 2127, Great Falls, MT 59403.

July 22-29, 1989: Centennial Focus Week in Great Falls—A week of exciting community events.

Cascade County '89ers, PO Box 2127, Great Falls, MT 59403.

July 23-August 5, 1989: Centennial Ride Across Montana (CRAM)—Bicycle ride from Yaak to Alzada.

CRAM, 1616 Cannon #23, Helena, MT 59601.

July 24-25, 1989: Good Sam RV Wagon Train—Helena to Great Falls. A modern-day wagon train of recreational vehicles.

Montana Good Sams, 251 Sheafman Creek Road, Victor, MT 59875.

July 25, 1989: Senior Citizens Celebration Day—Great Falls, Sing-along and other festivities.

Cascade County Senior Citizens Celebration Committee, 2405 6th St. NW, Great Falls, MT 59404.

July 24, 1989: Old Time Fiddlers Festival—Great Falls.

Montana State Old Time Fiddlers, PO Box 6786, Great Falls, MT 59406.

July 29-August 6, 1989: Montana Centennial Derby—Great Falls. Thoroughbred race at State Fair.

State Fair Race Meet, PO Box 1524, Great Falls, MT 59404.

July 30, 1989: Bitterroot Art Show—Hamilton. Arts and crafts.

Bitter Root Arts Guild, 2176 Middle Bear Creek Rd., Victor, MT 59875.

AUGUST

Montana State Centennial Airshow of Helena—All styles and types of military and civilian aircraft.

Helena Area Chamber of Commerce 201 E. Lyndale, Helena, MT 59601.

Tree Planting—Hardin. Ceremonial planting of 41 trees to celebrate Montana's entrance to Union as 41st state.

Big Horn County Historical Museum and Visitor Center, Route 1, Box 1206A, Hardin, MT 59034.

Eastern Montana Fair—Miles City. An annual event with a Centennial flair.

Miles City Roundup '89, Miles City Chamber of Commerce, 901 Main, Miles City, MT 59301.

August 1-November 8, 1989: Centennial Memory—Series of 100 two-minute video episodes of select events from each year of Montana's statehood. Local TV stations.

Visual Dynamics, 125 E. Beckworth, Missoula, MT 59801.

August 3-6, 1989: Lewis and Clark Trail Heritage Foundation—National Meeting, Bozeman.

Lewis and Clark Trail Foundation, PO Box 577, Bozeman, MT 59715.

August 3-6, 1989: Sweet Grass County High School Reunion—Big Timber. A school reunion for all graduates; establishment of a permanent scholarship endowment for future graduates.

Sweet Grass High School Centennial Year Reunion, PO Box 89, Big Timber, MT 59011.

August 5, 1989: Ringling Reunion '89—Gathering of former and present residents; gamers, entertainment, banquet.

Ringling Women's Club, PO Box 137, Ringling, MT 59642.

August 5-13, 1989: Red Lodge Festival of Nations—Red Lodge. An annual event celebrating ethnic diversity and traditions.

Red Lodge Festival of Nations, PO Box 311, Red Lodge, MT 59068.

August 18-19: Cowboy Poetry Gathering—Big Timber. Western poetry and song.

Montana Cowboy Poetry Gathering, PO Box 1255, Big Timber, MT 59011.

SEPTEMBER

Miles Community College Anniversary Celebration—Miles City.

Cattle Drive and Rodeo—Miles City.

Miles City Roundup '89 Miles City Chamber of Commerce, 901 Main, Miles City, MT 59301.

September 4-9 1989:—Great Montana Centennial Cattle Drive—An old West cattle drive from Roundup to Billings.

Latigo Corporation, PO Box 1209, Red Lodge, MT 59068, 446-3767.

September 8-10, 1989: Centennial Golf Tournament—Bigfork.

Eagle Bend Golf Club, PO Box 960, Bigfork, MT 59911.

September 9, 1989: Town and Country Days—Circle. An annual event this year with a Centennial theme.

McCone County Centennial '89ers, Circle, MT 59215-321.

September 15-17, 1989: Libby Nordiefest—An annual cultural and educational event celebrating the Northern European roots and heritage of this community.

Libby Nordiefest Box 791, Libby, MT 59923.

September 16-17, 1989: 7th Annual Old Timers Rodeo—Great Falls.

Montana Legends of Rodeo, PO Box 6369, Great Falls, MT 59405.

OCTOBER

Harvest Festival—Miles City.

Miles City Roundup '89, Miles City Chamber of Commerce, 901 Main, Miles City, MT 59301.

The William A. Clark Collection—Montana Historical Society, Helena. An exhibition of art on loan from the Corcoran Gallery of Art, Washington, D.C. The exhibition is in Billings in May 1989.

Montana Historical Society, 225 N. Roberts, Helena, MT 59620.

NOVEMBER 8, 1989

Admissions Day (Montana's 100th Birthday):

Grand Celebration, Helena—A variety of gala events, participation of all Montana communities. Coordinated by Capital City '89ers and State Centennial Office.

Birthday Bell—Statewide ringing of bells.

KRTV, Box 1331, Great Falls, MT 59403.

Centennial Ball—Helena.

Capital City '89ers, 201 E. Lyndale, Helena, MT 59601.

DECEMBER

National Christmas Tree—Washington, D.C. The tree is from Kootenai National Forest near Libby.

CALENDAR OF EVENTS

11/2/88—North Dakota Kick-Off Celebration—Fargo.

11/5/88—South Dakota Centennial Kick-off—Sioux Falls.

11/8/88—Election Day.

11/8/88—Montana Centennial Kickoff.

11/11/88—Montana Veterans Day Centennial Ball—Miles City.

11/11/88—Washington Centennial Kick-off.

11/12-13/88—Montana Centennial Year Opening Ceremonies—Stevensville.

11/2/88—North Dakota Kickoff Celebration—Fargo.

11/24/88—Thanksgiving Day.

11/5/88—South Dakota Centennial Kick-off—Sioux Falls.

12/4/88—Hanukah.

12/25/88—Christmas Day.

1/1-31/89—Washington Pacific Celebration 1989 Begins.

1/1/89—New Year's Day.

1/16/89—Martin Luther King Day.

2/8/89—Ash Wednesday.

2/12/89—Lincoln's Birthday.

2/14/89—St Valentine's Day.

2/20/89—President's Day.

2/22/89—Washington's Birthday.

2/22/89—North Dakota Government Day—Bismarck.

2/22/89—Washington Washington's Birthday Gala.

2/23-26/89—Washington Winter Centennial Games—Wenatchee.

3/16-18/89—Montana 21st Annual C.M. Russell Art Auction—Great Falls.

3/17/89—St. Patrick's Day.

3/24/89—Good Friday.
 3/26/89—Easter Sunday.
 4/1-10/1/89—Washington A Time of Gathering Exhibit, Burke Museum—Seattle.
 4/2-9/89—Wyoming Grand Opening Heritage Center—Gillette.
 4/5/89—North Dakota Native American Day—Grand Forks, Devils Lake.
 4/6-6/25/89—Montana Centennial Quilt Exhibition—Helena.
 4/28/89—Montana All-Valley Centennial School Day—Bitterroot Valley.
 5/1/89—Montana Wildlife Art Show Begins—Sidney.
 5/3/89—South Dakota 1st Day Commemorative Postage Stamp Issue—Pierre.
 5/5-6/89—South Dakota—Historical Society Annual Meeting/History Day—Pierre.
 5/6/89—Montana The Spokane Memorial—Helena.
 5/10/89—South Dakota East River Wagon Train Departs Elk Point.
 5/12-14/89—Montana Miles City Bucking Horse Sale—Miles city.
 5/13/89—North Dakota—Youth Day—Bismarck.
 5/14/89—Montana Cowboy Poetry and Range Ballads—Miles City.
 5/14/89—Mother's Day.
 5/14/89—North Dakota Founder's Day—Dickinson, New Rockford.
 5/29/89—Memorial day.
 5/30/89—Wyoming Voyage of the Centennial Messenger on the Wind River—Riverton.
 6/2-3/89—Montana Governor's Centennial Cup—Helena.
 6/3/89—South Dakota Badlands 50th Anniversary Celebration—Cedar Pass.
 6/5/89—South Dakota West River Wagon Train Departs Philip.
 6/10-11/89—South Dakota Centennial Trail Dedication.
 6/14-18/89—South Dakota Centennial Games—Sioux Falls.
 6/15-7/15/89—Montana Places Art show—Sidney.
 6/18/89—Father's Day.
 6/23-25/89—Montana Centennial Celebration Days—Fort Benton.
 6/23-25/89—South Dakota Dakotas Traditional Folk Arts Festival—Sioux Falls.
 6/24-25/89—Montana Beartooth days—Red Lodge.
 6/24/89—Montana Statehood Centennial Airshow of Bozeman—Bozeman.
 6/30-7/5/89—Montana Daly Days: A Festival of the Arts—Hamilton.
 7/1-4/89—South Dakota Happy Birthday Celebration.
 7/1-9/89—Montana Centennial Rendezvous—Red Lodge.
 7/1-9/89—Can-Can Revival—Red Lodge.
 7/4/89—Independence Day.
 7/4/89—Montana Dedication of "The Explorer's at the Portage"—Great Falls.
 7/4/89—North Dakota Constitution Day—Bismarck.
 7/15-8/15/89—Montana People Art Show—Sidney.
 7/15-16/89—Montana Bannack Days—Bannack.
 7/15-16/89—Montana Homesteader Days—Ballantine.
 7/15-22/89—Montana Centennial Focus Week—Great Falls.
 7/15/89—North Dakota—International Good Neighbor Day—Peace Garden.
 7/22-23/89—South Dakota Celebrity Homecoming—Sioux Falls.
 7/22/89—Montana The Montana Centennial Parade—Great Falls.
 7/23-8/5/89—Montana Centennial Ride Across Montana (CRAM)—Yaak.

7/29/89—Washington "Wings Over Washington".
 8/1-31/89—Washington Summer Centennial Games.
 8/2-6/89—Washington Circum Pacific Pre-History Conference—Seattle.
 8/3-6/89—Montana Sweet Grass County High School Reunion—Big Timber.
 8/3-6/89—Montana Lewis and Clark Trail Heritage Foundation Nat. Meeting—Boz.
 8/5-13/89—Montana Red Lodge Festival of Nations—Red Lodge.
 8/7-11/89—Washington Pacific Summit.
 8/12-13/89—South Dakota Military/Civilian Air Show—Sioux Falls.
 8/23-27/89—Wyoming The Rocky Mt. Polka Festival, Salute to Centennial—Rock S.
 8/29/89—South Dakota Beginning Centennial State Fair—Huron.
 9/2-4/89—Wyoming Pre-Centennial and Centennial Rendezvous—Curt Gowdy St. Pa.
 9/4/89—Labor Day.
 9/4-9/89—Montana Great Montana Centennial Cattle Drive—Roundup/Billings.
 9/9/89—Montana Town and County Day—circle.
 9/10/89—Grandparent's Day.
 9/15-17/89—Montana Libby Nordicfest—Libby.
 9/30/89—Rosh Hashanah.
 10/1/89—North Dakota Citizen's Day—Minot.
 10/9/89—Yom Kippur.
 10/31/89—Halloween.
 11/2/89—South Dakota Statehood Day—100 Years.
 11/2/89—North Dakota Statehood Day—100 Years.
 11/3-4/89—South Dakota Centennial Ball/Arts Showcase—Pierre.
 11/8/89—Montana Admissions Day—100 Years.
 11/11/89—Veterans Day.
 11/11/89—Washington Statehood Day—100 Years.
 11/18/89—Washington Inaugural Ball.
 11/23/89—Thanksgiving Day.
 12/23/89—Hanukah.
 12/25/89—Christmas Day.
 1/1/90—New Year's Day.
 1/15/90—Martin Luther King Day.
 1/20-21/90—Idaho—National Snaffle Bit Futurity—Boise.
 2/12/90—Lincoln's Birthday.
 2/14/90—St. Valentine's Day.
 2/19/90—Presidents' Day.
 2/22/90—Washington's Birthday.
 2/26-31/90—Idaho McCall Winter Carnival—McCall.
 2/28/90—Ash Wednesday.
 3/1-3/90—Idaho Resource Symposium—Boise.
 3/17/90—St. Patrick's Day.
 4/10/90—Passover.
 4/13/90—Good Friday.
 4/15/90—Easter Sunday.
 5/13/90—Mother's Day.
 5/28/90—Memorial Day.
 6/2/90—Wyoming Dedication of New Facilities at Fossil Butte—Kemmerer.
 6/15/90—Idaho Jai Alai '90—Boise.
 6/17/90—Father's Day.
 6/22-7/8/90—Idaho Ore-Ida Women's Challenge Centennial Tour of Idaho—Sand P.
 6/29-30/90—Idaho—All County Reunion—Clark County.
 6/30/90—Idaho Centennial Camporee—Stanley.
 7/3-8/90—Idaho PNW Region Convention—National Model Railroad Assn.—Boise.
 7/3/90—Idaho Statehood Day—100 Years.

7/4/90—Independence Day.
 7/9-15/90—Idaho Indian Exposition—Boise.
 7/9-22/90—Wyoming International Mountain Man Rendezvous—Teton County.
 7/10/90—Wyoming Statehood Day—100 Years.
 7/16-22/90—Idaho First Security Centennial Summer Games—Pocatello.
 7/28-29/90—Idaho Air Show Idaho—Idaho Falls.
 8/11-12/90—Idaho World Championship Rock Drilling Contest—Wallace.
 8/12/90—Idaho Centennial Triathlon—Coeur d'Alene.
 9/3/90—Labor Day.
 9/9/90—Grandparent's Day.
 9/16/90—Idaho Transpanhandle Triathlon—Sand Point.
 9/20/90—Rosh Hashanah.
 9/29/90—Yom Kippur.
 10/8/90—Columbus Day Observance.
 10/31/90—Halloween.
 11/6/90—Election Day.
 11/11/90—Veterans Day.
 11/21/90—Idaho—Centennial Bowl—Pocatello.
 11/22/90—Thanksgiving Day.
 12/12/90—Hanukah.
 12/25/90—Christmas Day.

CENTENNIAL

In 1990 Wyoming is planning the "Celebration of the Century", for its first 100 years of statehood. The States' calendar for 1989 and 1990 is filled with events and activities that will celebrate the heritage of the past, the experience of today and the promise of the future.

In 1869, women received the right to vote, the first state to do so thus earning it the nickname "Equality State." On July 10, 1890, Wyoming added the 44th star to the American Flag and in 1925, Wyoming elected the first woman governor, an historic achievement both in the state and in the nation!

For the past two years the state has been planning for this celebration. All of its citizens have volunteered their time and expertise to plan new activities and enhance the existing ones. You will find exciting plans no matter what time of year you choose to participate.

If you dream of being a pioneer, follow the many trails that crisscross the state established by the westward-bound emigrants that came to Wyoming, re-live the early fur-trade era at the International Mountain Man Rendezvous in Jackson. Visit the site of the battle between the white man and the Indians with a tour of Fetterman Ridge. During the nine day Bozeman Trail Days in Sheridan and Johnson Counties, take a tour that will give both the white man's perspective as well as an Indian's, whose grandfather fought in the battle. You may want to visit the Wind River Indian Reservation and take a Singing Horse Tour.

The Continental Divide Snowmobile Trail will be completed to add to Wyoming's Winter activities. This trail begins in the Lander/Riverton area and will run all the way to Montana. Over 395 miles of winter excitement. Weston County will host a Winter Festival complete with sleigh rides and a barn dance.

In anticipation of the Centennial, many writers and photographers have set out to document the states rich heritage. Every thing from a book on the lives of the "First Ladies" to a pictorial publication consisting of oral interviews and photographs of Wyo-

ming people. Even a document of Wyoming's rich and diverse cultural heritage will be produced. It will include poetry, literature and essays illustrated with photographs of paintings, sculptures, folk arts, crafts and architecture.

For a taste of Wyoming's ethnic heritage, attend the Polka Festival in Rock Springs, a square dance festival in Newcastle, and Old Time Fiddler's contest in Shoshoni or the Woodchopper's Jamboree in Encampment.

Six states in the Great Northwest will be celebrating their Centennials in 1989 and 1990. Montana, North Dakota, South Dakota and Washington in 1989. Idaho and Wyoming in 1990. The six states have joined together to commemorate this historic occasion. The admission of the states was the largest land mass to join the Union since the 13 original colonies. Each state has established a list of top 20 events for the celebration. A joint brochure listing each states entries will be distributed by the Travel Commissions of the six states.

Complete schedules may be obtained by contacting the Wyoming Centennial Commission, Herschler Building, First Floor, East, Cheyenne, WY 82202 or by calling (307) 777-5844.

Join in the excitement. Celebrate Wyoming's historic legacies, the many aspects of its diverse cultural heritage and its hopes and aspirations for the future.

Mr. ADAMS. Mr. President, I rise today to express my support for the legislation introduced by my friend from Montana, Senator BAUCUS which will create a commemorative coin marking the centennials of the Six Great Northwest States. I urge my colleagues to support this legislation and I hope that the House will pass similar legislation before the end of the 100th Congress.

In less than 100 days, my State of Washington will kickoff a yearlong, statewide celebration of the 100th anniversary of our admission to the Union as the 42d State. Washington's centennial celebration will include a stimulating mixture of events and activities. Among the festivities are fun runs, scholarly symposia, cultural exchanges with the Pacific Rim and exhibitions of the arts and native peoples.

Washington joined the Union in 1889. Five other States also joined in 1889 and 1890—Montana, North and South Dakota, Idaho and Wyoming. In our case, there had been a long struggle—since 1854—to gain the status of statehood and build upon the natural advantages of our climate and location for an exciting and prosperous future. And at 3:09 in the afternoon on November 11, 1889, the first elected Governor of Washington, Elisha P. Ferry, received a telegram letting him know that the Proclamation of Statehood had been signed by President Benjamin Harrison. My colleagues who share the feelings of Sagebrush Rebellion can read whatever they want into the fact that this telegram from the White House was sent collect for 61 cents!

To celebrate our centennials, the Six Great Northwest States have proposed a touring exhibit of documents and artifacts that illuminate the formation of these States, how they were explored and mapped, divided from each other and organized and incorporated into the Union. Called Documents West, this exhibit would provide a graphic introduction to America's greatest leap westward.

The centennial coin legislation, proposed by Senator BAUCUS, will provide financial support for the Documents West exhibit. This centennial coin will be a souvenir of the centennials of our six States and will help this interesting project, Documents West, along the way to completion.

I urge the support for this legislation and swift action in the House.

Mr. BURDICK. Mr. President, it is with a great deal of pride that I rise today to join my colleagues from the great Plains and Pacific Northwest in recognizing the centennial celebrations in our home States—1989 marks the onset of a swell of pride that will spread throughout the Northwest.

The Lewis and Clark trail will again come alive with the spirit of adventure and the sense of community that led thousands of true pioneers to settle there more than a century ago.

The rich farmland, endless grasslands, clean rivers, and breathtaking views can still be found in the great States of North Dakota, South Dakota, Montana, Washington, Idaho, and Wyoming. There is no more beautiful land to be found anywhere in these United States.

Mr. President, I would like also to thank my good friend and colleague, the gentleman from Montana, Mr. [BAUCUS], for his efforts in passing the Commemorative coin bill. The proposed centennial coins are just one sign of the cooperation that exists among the six States. I know that "Buckshot" Hoffner, energetic director of the North Dakota Centennial Commission, has met many other States. The centennial will truly be a celebration to beat all celebrations, and I am excited to be a part of it.

I congratulate the persistent people behind the Documents West project who, largely due to the efforts of Senator BAUCUS and Senator ADAMS, will now be able to realize their goal of being first to bring significant documents to the people west of the Mississippi. Documents West will be one of the most exciting educational programs to ever visit the great State of North Dakota. This important lesson in the history of our region will be of lasting value to our schoolchildren and to the adults who will, in the spirit of the centennial, take a moment to learn again.

Mr. President, I ask unanimous consent that a calendar of celebration ac-

tivities for North Dakota's Centennial be printed in the RECORD.

There being no objection, the calendar was ordered to be printed in the RECORD, as follows:

NORTH DAKOTA CENTENNIAL—SPECIAL DAYS CELEBRATIONS

In 1889 significant events led to North Dakota's statehood. In our centennial year the cities listed below will host celebrations on the 100th anniversary of those key events. In this way all North Dakotans and visitors can be connected to our past and glimpse the potential in our future.

JUNE 24, 25, 26, 1988—PRE-DIVISION DAY—JAMESTOWN

On July 10, 1888, a Pre-Division Convention was held for the Dakota Territory. Jamestown citizens will reenact these and other events.

NOVEMBER 2, 1988—STATEHOOD DAY—FARGO

The 99th anniversary of the day North Dakota was admitted to the union—the official beginning of our year-long centennial celebration—starts with an elegant Grand Ball, a video history production and program titled "North Dakota: The First 100 Years" and a televised "Centennathon" fund-raising auction featuring the state's most talented entertainers.

FEBRUARY 22, 1989—GOVERNMENT DAY—BISMARCK

Carving states out of Dakota Territory was a long time in coming until President Grover Cleveland signed the enabling act on this date in 1889. Emphasizing the role of government in our lives today is an open house for state agencies to show off their centennial projects, an ethnic groups presentation of our constitution to the state legislature and a symposium titled "Into Our Second Century: The Future for North Dakota" with North Dakota scholars.

APRIL 5, 1989—NATIVE AMERICAN DAY—GRAND FORKS

This day's colorful festival starts events honoring the state's original inhabitants and the descendants. A special art market will feature Indian artists. Native American athletes will demonstrate and participate in traditional games. A symposium on the oral traditions in storytelling and religion will be an entertaining way to learn more about Native Americans. In the state's elementary and secondary schools a special Native American curriculum will be used on this day.

MAY 14, 1989—FOUNDERS DAY—DICKINSON, NEW ROCKFORD

This marks the date delegates were elected to the first North Dakota Constitutional Convention, a prerequisite for statehood. Historical speeches, skits, a music show about "Motherhood and Apple Pie," an antique quilts display, walking tours of historic sites and the playing of old-fashioned games bring our history to life. Our strong religious foundations are celebrated in ecumenical worship services.

JULY 4, 1989—CONSTITUTION DAY—BISMARCK, MANDAN

In 1889 the first North Dakota Constitutional Convention opened on this date. The year's celebration in 1989 features entertainment from two centuries: the National Folk Life Festival with ethnic arts, crafts, foods and dances; an all-day extravaganza with popular, big-name entertainment on the state capitol grounds; the Art in the

Park exhibit and sale; the Official Centennial Parade with hundreds of entries; rodeos drawing the world's top cowboys and cowgirls; and wagon trains from across the state converging on the capitol city.

OCTOBER 1, 1989—CITIZENS DAY—MINOT

Voters approved the North Dakota Constitution and elected the state's first office holders on this date in 1889. A century later we will honor outstanding citizens with "Perspectives From the Past: A Forum of Notable North Dakotans," a reception for Sons and Daughters of the Pioneers, an historical documents exhibit, and a concert.

NOVEMBER 2, 1989—STATEHOOD DAY—PROPOSED IN FARGO

The dreams of thousands became reality in 1889 when President Benjamin Harrison signed North Dakota's statehood proclamation. Marking our 100th anniversary, Centennial Expo '89, a research and development show, looks to the future and state of the art products from multi national corporations, NASA, IBM and the U.S. Air Force, plus conferences on economic development and social issues.

Mr. McCURE. Mr. President, I want to give my unqualified and strongest support to S. 2283, a bill to authorize the minting of a coin to commemorate the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming. This bill has the support of all 12 Senators from the centennial States and from the citizens of those States as well.

Mr. President, legend has it that the name "Idaho" comes from an Indian word meaning "light on the mountains" or "gem of the mountains." Although historians have done their jobs and told us Idahoans that our long-held belief about the origin of our State's name is a myth, the reality is that Idaho is the gem of the mountains.

Idaho's terrain is so diverse it would surprise many of my colleagues in the Senate who haven't been to my State. Idahoans laugh about easterners who, once they have located the State in their minds-eye and realize Idaho is neither Ohio or Iowa, will, as if a lightbulb has just gone on, say "Oh! Potatoes and Sun Valley!" Well, Sun Valley is certainly a big asset to Idaho and has some of the best skiing in the world, and Idaho potatoes are unsurpassed, but there's a lot more to the Idaho that I know.

The Selkirk, the Sawtooths, the Bitterroots, the White Clouds, the Lemhi, the Clearwater Range, and the Bighorn Crags. These magical names reflect the glory of mountain ranges of unbelievable beauty.

The "Palouse," the fertile rolling hills of the southern panhandle region, alternates between bright green in the spring and golden yellow during the harvest of winter wheat.

The rugged country, covered with pine trees and dotted with lakes, of northern Idaho contrasts sharply with the craters of Moon National Monument in southern Idaho where volcan-

ic eruptions made the terrain so resemble the surface of the Moon that astronauts have trained there.

Aptly named, Hells Canyon, with the Snake River running through it, is the deepest gorge on the North American continent.

Idaho covers approximately 83,000 square miles—that's roughly the size of Pennsylvania and Ohio combined. The distance between Idaho's northern and southern borders is the equivalent of driving from Washington, DC, to Boston. Lake Pend Oreille is 1 of some 2,000 lakes in Idaho, and measures 180 square miles. Idaho has 35,000 miles of rivers.

Mr. President, this incredibly diverse State is home to some 1 million fiercely independent people. Idahoans are tough willed and free spirited. On July 3, 1990, Idahoans will celebrate a very special occasion—the centennial of the State we love.

The citizens of Idaho are preparing a centennial celebration which will not only reflect upon the State's past, but also celebrate the present and help prepare for the future.

The Idaho Centennial Commission and local centennial committees in each of Idaho's 44 counties are planning events and projects which will involve all of Idaho's 1 million citizens in the celebration. In addition, other activities are designed to attract people from outside of Idaho and give them the opportunity to share in our celebration.

Idaho's centennial celebration is already attracting national attention. Within the next few weeks, Parade magazine will feature participants in the Idaho Century Citizens Program. This is a program for over 200 current Idaho citizens who were born prior to Idaho becoming a State in 1890.

The Idaho centennial license plate, which we believe to be the most attractive license plate in the Nation, has received wide national attention, including features in both the Washington Post and Christian Science Monitor.

In late July, NBC's "Today Show" publicized a regional meeting of the six centennial States which was held in Boise. One of the events held during the meeting attracted in excess of 4,000 participants.

The reason for all of this attention stems from the massive amount of planning which is going into our celebration. This planning is resulting in projects and programs which will ultimately touch hundreds of thousands of people. Just a few of those projects include the following:

A scholarship program for Idaho history students.

A first-ever statewide exposition featuring all five of Idaho's Indian tribes.

Rehabilitation of numerous historic buildings.

The establishment of the Idaho Heritage Trust, a permanent trust fund to provide resources for historic preservation and natural resource conservation.

Development of the old mining town of Bayhorse into Idaho's Centennial State Park.

Production of a comprehensive 13 part public television series on the State and its people.

Numerous athletic competitions, including a 650-mile women's bicycle race which will be the longest such race on the world racing circuit.

A flotilla of boats coming from the Pacific Ocean to the Port of Lewiston, ID.

Publication of numerous books on Idaho and its people.

Development of a centennial trail from the Nevada border to the Canadian border.

Archaeological digs.

"Documents West," a six State project preparing classroom teaching materials which explain the importance of statehood. This project is jointly funded by the six State centennial commissions and the Commission on the Bicentennial of the U.S. Constitution. In addition, we hope to expand the project to include a major touring exhibit of documents and artifacts related to the six centennial States joining the Union. A portion of the revenues from the minting of the coin authorized by S. 2283, honoring the six centennials, would go to fund this element of the project.

This is by no means an exhaustive list. It is only the tip of the iceberg. However, it illustrates the commitment that we have to celebrating the 100 years since Idaho became a part of the Union. Our centennial offers us an opportunity to make a lasting beneficial impact upon future generation of Americans, not only from Idaho, but from all of our States.

Mr. President, the minting of a commemorative coin is an important symbolic tribute to the people of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming. In the spirit of the West, these six States are cooperating with each other and planning joint projects to celebrate our collective birthdays. I urge the Senate to honor these States by approving this bill and I thank the Senator from Montana, Mr. BAUCUS, and all of my colleagues who join me in cosponsoring this measure.

The PRESIDING OFFICER. The question is on agreeing to the committee substitute.

The committee substitute was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 2283) was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DWIGHT DAVID EISENHOWER COMMEMORATIVE COIN ACT OF 1988

Mr. DOLE. Mr. President, on behalf of myself, my colleagues, Senator KASSEBAUM, and Senator HEINZ, I send a bill to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2789) to require the Secretary of the Treasury to mint and issue \$1 coins in commemoration of the 100th anniversary of the birth of Dwight David Eisenhower.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, this bill would authorize the minting of a coin commemorating the 100th birthday of President Dwight David Eisenhower—one of this Nation's most respected and beloved leaders. Similar legislation has been introduced in the House of Representatives by Mr. GOODLING from Pennsylvania.

There would be no Government cost for minting and issuing this \$1 coin and the proceeds raised from the sale of the coin would be used to reduce the Federal deficit.

LEGISLATIVE HISTORY

I would like to remind my colleagues in the Senate that an amendment similar to this bill was adopted in the Senate by voice vote on June 15, 1988. It was attached to the Bicentennial of the United States Congress Commemorative Coin Act, H.R. 3251. Unfortunately, the coin language was later dropped from the bill after it passed the Senate as part of a bipartisan, bicameral compromise.

As I recall, the House objection to the commemorative coin language was that the Banking, Finance and Urban Affairs Committee had not had an opportunity to review the legislation. The House Banking Committee's Subcommittee on Consumer Affairs and Coinage has since held a hearing on this issue.

The only differences between the amendment which passed the Senate on June 15, 1988 and this bill are three technical amendments proposed by the U.S. Mint. These amendments were adopted en bloc by the Con-

sumer Affairs and Coinage Subcommittee of the House Banking, Finance and Urban Affairs Committee this morning and have been incorporated into this bill.

A FAVORITE SON OF KANSAS

Although our paths never officially crossed in Washington—I was elected to Congress in 1960, the last year of Eisenhower's Presidency—Dwight David Eisenhower has had a tremendous influence on me and on my home State of Kansas. He was my commander in chief during my combat duty in Europe, and both his military accomplishments and his record of public service made him a hero in the Sunflower State, across the country and around the globe. Although Ike was born in Texas, he grew up in Abilene, KS, and proudly claimed Kansas as his home. Kansas claims President Eisenhower as one of her favorite sons.

I can remember standing in the rain with a crowd of admirers waiting to greet the general when he came home in 1952 to announce his bid for the Republican Presidential nomination. As a Kansan and as a World War II veteran, I was proud of Ike and what he had accomplished. I think that everyone in that crowd felt the same way.

A PERSONAL HERO

A few weeks after I was elected to Congress, I was fortunate enough to meet the President at the White House; a picture from that meeting still hangs in my office today. In 1985, when I became majority leader of the Senate, I selected two portraits to hang in my private office. I chose the two Presidents who have had the greatest influence on me—Abraham Lincoln and Gen. Dwight David Eisenhower.

This legislation obviously means a lot to me but I think it also means something to millions of Kansans, veterans, and, indeed, Americans from coast to coast.

A RECORD OF SERVICE

Everyone will agree that Dwight David Eisenhower was a great soldier; his distinguished military record is familiar to us all. As President, Ike was admired around the world for his common sense, pragmatic approach to government.

Eisenhower was a statesman and a visionary leader—history tells us that many of his views on foreign policy and on America's responsibility as the leader of the free world still apply today. But, more than anything, Dwight David Eisenhower was a public servant. For that reason, he should be recognized.

AN APPROPRIATE COMMEMORATIVE

This coin would be an appropriate commemorative. It will remind America of the things President Eisenhower stood for—service to God and country. I think that everyone who knew Ike will agree that this bill is consistent

with what he would have wanted. There will be no cost to the Government for minting and issuing these coins and any proceeds from the sale of the coins will be used to reduce the Federal deficit.

CONCLUSION

As president of Columbia University, Eisenhower once said:

Our path in places is still obstructed by unfinished business, the debris of inequities and prejudices, not yet overcome. But, strong in the fundamental principles of American life, we have in * * * two centuries, accomplished more for the community of men than was won in the previous forty.

In my view, Dwight David Eisenhower helped clear that path and furthered the cause of equality in America.

I urge each of my colleagues in the Senate to support this legislation.

Mr. HEINZ. Mr. President, I am honored to sponsor this legislation to commemorate the 100th birthday of President Eisenhower—one of our country's most admired and respected Presidents. This bill would pay tribute to this great civilian and military leader by authorizing the U.S. Treasury to mint a commemorative silver dollar bearing the likeness of the late President and a depiction of his historic home in Gettysburg. Proceeds from the sale of this coin would be used to reduce the Federal deficit.

This great American led our Armed Forces during World War II as Chief of Staff of the 3d Army and Supreme Commander of the Allied Expeditionary Forces. As important, as President he strove to restore and maintain peace throughout the world.

The minting of a coin that will be circulated to Americans across this land is a fitting tribute to the memory of President Eisenhower.

The PRESIDING OFFICER. If there are no amendments, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2789

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dwight David Eisenhower Commemorative Coin Act of 1988".

SEC. 2. DWIGHT DAVID EISENHOWER COMMEMORATIVE COINS.

(a) AUTHORIZATION.—Subject to subsection (b), the Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall mint and issue one-dollar coins in commemoration of the one hundredth anniversary of the birth of Dwight David Eisenhower.

(b) LIMITATION ON THE NUMBER OF COINS.—The Secretary may not mint more than four million of the coins referred to in subsection (a).

(c) SPECIFICATIONS AND DESIGN OF COINS.—Each coin referred to in subsection (a) shall—

- (1) weigh 26.73 grams;
- (2) have a diameter of 1.500 inches;

(3) contain 90 percent silver and 10 percent copper;

(4) designate the value of such coin;

(5) have an inscription of—

(A) the year "1990"; and

(B) the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum";

(6) have the likeness of Dwight David Eisenhower on the obverse side of such coin; and

(7) have an illustration of the home of Dwight David Eisenhower located in the Gettysburg National Historic Site on the reverse side of such coin.

(d) **NUMISMATIC ITEMS.**—For purposes of section 5132(a)(1) of title 31, United States Code, the coins referred to in subsection (a) shall be considered to be numismatic items.

(e) **LEGAL TENDER.**—The coins referred to in subsection (a) shall be legal tender as provided in section 5103 of title 31, United States Code.

SEC. 3 SOURCES OF BULLION.

The Secretary shall obtain silver for the coins referred to in section 1(a) only from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 4 MINTING AND ISSUANCE OF COINS.

(a) **UNCIRCULATED AND PROOF QUALITIES.**—The Secretary may mint and issue the coins referred to in section 1(a) in uncirculated and proof qualities.

(b) **USE OF THE UNITED STATES MINT.**—The Secretary may not use more than 1 facility of the United States Mint to strike each such quality of the coins referred to in section 1(a).

(c) **COMMENCEMENT OF AUTHORITY TO SELL COINS.**—The Secretary may begin selling the coins referred to in section 1(a) on January 1, 1990.

(d) **TERMINATION OF AUTHORITY TO MINT COINS.**—The Secretary may not mint the coins referred to in section 1(a) after December 31, 1990.

SEC. 5 SALE OF COINS.

(a) **IN GENERAL.**—Subject to subsections (b) and (c), and notwithstanding any other provision of law, the Secretary shall sell the coins referred to in section 1(a) at a price equal to—

(1) the face value of such coins; and

(2) the cost of designing, minting, dies, use of machinery, and overhead expenses.

(b) **BULK SALES.**—The Secretary shall make any bulk sales of the coins referred to in section 1(a) at a reasonable discount to reflect the lower costs of such sales.

(c) **PREPARED ORDERS.**—Before January 1, 1990, the Secretary shall accept prepaid orders for the coins referred to in section 1(a). The Secretary shall make sales with respect to such prepaid orders at a reasonable discount to reflect the benefit to the Federal Government of prepayment.

(d) **SURCHARGES.**—The Secretary shall include a surcharge of \$7 per coin on all sales of the coins referred to in section 1(a).

SEC. 6 FINANCIAL ASSURANCES.

(a) **NO NET COST TO THE GOVERNMENT.**—The Secretary shall take such actions as may be necessary to ensure that the minting and issuance of the coins referred to in section 1(a) shall result in no net costs to the Federal Government.

(b) **PAYMENT FOR THE COINS.** The Secretary may not sell a coin referred to in section 1(a) unless the Secretary has received—

(1) full payment for such coin;

(2) security satisfactory to the Secretary to indemnify the Federal Government for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration Board.

SEC. 7 PROCUREMENT OF GOODS AND SERVICES.

(a) **IN GENERAL.**—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act.

(b) **EQUAL EMPLOYMENT OPPORTUNITY.**—Subsection (a) shall not apply with respect to any law relating to equal employment opportunity.

SEC. 8 REDUCTION OF FEDERAL DEBT.

The Secretary shall deposit in the general fund of the Treasury for the purpose of reducing the Federal debt an amount equal to the amount of all surcharges that are received by the Secretary from the sale of the coins referred to in section 1(a).

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BILL PLACED ON CALENDAR— H.R. 176

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 176, and that the bill, to provide for the uniform disclosure of the rates of interest which are payable on savings accounts, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL PLACED ON THE CALENDAR—H.R. 3011

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 3011, and that the bill, to amend the Truth-in-Lending Act to establish additional disclosure, advertising, and other requirements for home equity loans, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. If the majority leader will yield, we have nothing further on this side.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate now have a period for morning business, that Senators may speak therein for not more than 10 minutes and that, upon the yielding of the floor by Mr. McCURE, the Chair recess the Senate automatically under the order.

The PRESIDING OFFICER. Hearing no objection, that is the order.

UNCERTAINTIES AND SAFETY MAKE DUALITY CRITICAL FOR NEW PRODUCTION CAPACITY

Mr. McCURE. Mr. President, last month, an event occurred in a production reactor at the Savannah River plant that underscored, once again, the urgent need to establish redundancy in our Nation's material production complex.

According to the August 18 issue of the Atlanta Journal and Constitution, the "P" reactor was shut down "abruptly" on August 17, because of concerns that the operators of the reactor had not shut it down quickly enough 10 days before when the start-up of the reactor caused erratic power levels. The Department of Energy which owns the plant began an investigation which concluded the operators should have shut the plant down when they were unable to achieve a controlled nuclear reaction in the plant. The chairman of a safety advisory panel for DOE, John Ahearne, is quoted as saying:

The serious problem was they attempted to run the reactor and even raise the power level without understanding why it was not going up. When you run a reactor and you do not know what is going on, you shut it down. The preliminary conclusion is this shows a very bad attitude about safety.

The newspaper articles goes on to state that:

DOE officials confirmed the reactor suffered at least one unexplained "power spike" during a startup that was also plagued with mechanical problems and miscalculations. A power spike is an abrupt and unexpected increase in temperature and pressure.

The article quoted sources who said the spikes were short lived and did not pose a threat of a serious accident "although they could have resulted in severe damage to the reactor."

Mr. President, as I noted, an investigation is being conducted and I sincerely hope this reactor operates soon. My purpose in calling this matter to the attention of my colleagues is not to point a finger at the Savannah River plant or the Department of Energy, but to illustrate once again, how dependent this Nation is for our critical nuclear materials on three aging reactors operating, when they operate, at less than half power. Furthermore, we will continue to be dependent on them for at least 10 years.

If, in fact, "severe" damage had been done to the P reactor as a result of these power spikes, we would then be dependent on only two aging reactors, neither of which are operating at this time. I should note that the P reactor has been shut down since April for seismic issues, the K reactor has been down most of this year for long-term maintenance and the L reactor, which has been producing plutonium, is routinely shut down during the summer months for environmental reasons. DOE plans to put the L reactor to producing tritium when it is restarted this fall.

Mr. President, look at how vulnerable we are. I am deeply concerned that we find a way out of this dilemma. First of all, these reactors—all of them—must be made to run again and be kept running well. And as we do that, we must double our efforts to make sure this Nation never becomes so vulnerable again.

That is the Department of Energy's goal. In August the Secretary of Energy proposed a two-reactor strategy for production capacity. This proposal included a heavy water reactor [HWR] at Savannah River plant and a modular high temperature gas reactor [MHTGR] at the Idaho National Engineering Laboratory in Idaho. I applauded this recommendation at the time, and now seek to urge my colleagues to make this recommendation a reality. With two technologies and two sites, we will have the vitally necessary redundancy.

However, as I noted earlier, there are safety problems with the currently operating heavy water reactors at SRP. I fear these problems could impact the cost and schedule of the new production HWR. These were reported by the National Academy of Sciences last fall after the Academy conducted a safety review of DOE's production reactors at DOE's request. DOE has developed a program to address the problems, but that program will take at least 4 or 5 years. This is a grave concern, not only because of the need for the present reactors but because the safety reviews and analysis that make up the program are key to the design of the new production reactor.

I am most puzzled that this element of uncertainty in the HWR technology was not addressed by the Energy Research and Advisory Board panel that advocated the HWR for the new reactor.

Let me give some examples: The ERAB panel notes that:

Significant advances have been made in safety analysis, design and operation for all reactor technologies, and some . . . have been incorporated into the existing heavy water reactors . . . The NPR-HWR will be able to utilize the full range of these advances in its design, construction and operation.

The National Academy of Sciences's conclusions on this matter were just the opposite:

Adequate resources (at Savannah River) have only recently been devoted to developing a thoroughly documented understanding of the behavior of the reactors in a loss of coolant accident, and . . . the risks associated with the operation of the defense production reactors are currently inadequately understood. The effort to evaluate those risks by probability risk assessment methods are still in their early stages.

There are also conflicting opinions regarding the possibility of using light water reactor [LWR] safety work in the HWR effort. The ERAB panel said:

The HWR will be able to draw upon the extensive and well demonstrated safety technology base of the light water reactors. The R&D work draws on existing technology from the LWR industry and requisite research programs, including the LWR based loss of coolant accident and severe accident codes.

The panel reiterated this belief a number of times in making its recommendation.

The NAS report does not agree—

It is important to recognize the production reactors are quite different from commercial reactors. The application of computer codes developed for commercial power reactors to the unique circumstances of the production reactors present major difficulties. The existing level of understanding of severe accident behavior for the production reactors is inadequate to permit a realistic assessment of the effectiveness of these designs in mitigating the consequences of severe accident.

Mr. President, this difference of opinion is important to understand, because at a hearing before the Senate Energy and Water Appropriations subcommittee, Mr. John Ahearne, the chairman of the DOE safety advisory board, testified that there are safety analyses being done at Savannah River, and they have to be completed to give some confidence that those plants could go up in power. Then he noted:

Separate analyses would probably be required for a new design. The new design would be different. Obviously you can capture some of the work that has already been done, some of the work will be directly applicable, but I do not think that automatically you can assume that the work being done for the older design is going to be applicable for the new design.

This signifies to me that there are uncertainties about the new HWR that could seriously delay the construction of the plant as well as add significantly to its cost. We must be aware of these uncertainties and plan for delays by pursuing the two track strategy laid out by DOE. Duality or redundancy—call it what you will—is the only way we can ensure our national security needs are protected into the next century.

Mr. President, I ask unanimous consent that the referred-to article in the Atlanta Journal and Constitution of

Thursday, August 8, 1988, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SRP REACTOR SHUT DOWN AS FEDS INVESTIGATE SAFETY

A nuclear reactor at the government's Savannah River weapons plant was shut down abruptly Wednesday because of concerns that the operators of the reactor did not shut it down quickly enough when confronted 10 days ago with erratic power levels.

Du Pont ordered Savannah River's "P" reactor shut down Wednesday in the wake of a Department of Energy investigation.

The investigation by the safety division of the Energy Department, which owns the plant, concluded that Du Pont operators should have immediately shut P reactor down on Aug. 9, when they were unable to achieve a controlled nuclear reaction in the plant.

Roger Rollins, reactor safety manager for the Energy Department at Savannah River, said Wednesday that the reactor power levels consistently stayed below predicted levels during the incident, and that the plant was never operated in an unsafe manner.

But the chairman of a safety advisory panel recently appointed by Energy Department Secretary John Herrington said he was not so sure.

"The serious problem was they attempted to run the reactor and even raise the power level without understanding why it wasn't going up," said John F. Ahearne. "When you run a reactor and you don't know what's going on, you shut it down. . . The preliminary conclusion is this shows a very bad attitude about safety."

Energy Department officials confirmed that the reactor suffered at least one unexplained "power spike" during a start-up that was also plagued with mechanical problems and miscalculations.

A power spike is an abrupt and unexpected increase in temperature and pressure. Savannah River officials confirmed that one spike occurred during the reactor's start-up Aug. 7 and 8. Other sources said there were several.

Sources said the spikes were short-lived and did not pose the threat of a serious accident, although they could have resulted in severe damage to the reactor.

But the incident alarmed Energy Department safety officials, largely because Savannah River operators continued to run the reactor during the spikes and even increased power, although the reactor had behaved unpredictably in earlier stages of the start-up.

One official called the episode a "complete collapse" of safety procedures that, in other circumstances, could have resulted in a disaster the magnitude of the 1986 nuclear accident in Chernobyl.

"They were pulling control rods to get the reaction up and they didn't have any idea what was going on," said the official, who declined to be named. "If the reactor had been running at higher power, it could have been a tragedy."

Control rods are the "brakes" on a nuclear reaction—inserting them slows the reaction, and removing them speeds it up. Unknown to its operators, sources said, natural forces within the reactor were acting to suppress a nuclear reaction. Had circumstances conspired to increase reactivity instead, they

said, the manipulations by the operators could have pushed the reactor beyond its limits, with potentially catastrophic results.

The incident also stunned members of a special safety advisory board named by Herrington last year. The group was charged with advising the department on safe operations of its production reactors, in part to head off congressional efforts to establish a more formal oversight panel.

Mr. Ahearn, the former Nuclear Regulatory Commission chairman who heads the board, was unaware of the reactor start-up problem until he was contacted by a reporter Tuesday night.

"At the moment, I'm pretty angry at the Savannah River office," Mr. Ahearn said Wednesday. "We were clearly told that if there were any problems we would be notified."

Mr. Ahearn confirmed that he had sent an "angry" letter to Savannah River Wednesday, hours before plant managers announced their decision to shut down. He declined to detail its contents, but said that he had advised an immediate shutdown.

An Energy Department safety review team dispatched to Savannah River Aug. 11, after the incident was reported to Washington, also initially recommended that the reactor be shut down immediately. Instead, Energy Department officials issued the equivalent of a "show-cause" order Tuesday to Savannah River contractor Du Pont, giving the company 43 hours to explain why the reactor should not be taken out of operation.

Ernest Baynard, assistant energy secretary for environment, safety and health, said Tuesday night that the reactor had been stabilized at about 40 percent power and "there appears to be nothing warranting immediate shutdown."

According to Energy Department officials, the primary issue is why operators ignored obvious signs of trouble and continued boosting reactor power.

"It's not the unexplained incidents that bother me but the reaction the operator has to them," Mr. Baynard said. "They have to know when to bring the reactor down. They

shouldn't keep on raising the power in the reactor."

According to Department officials, and other sources, the incident began Aug. 7 when operators began to restart the P reactor, which has been shut down since early April for safety modifications and maintenance. Operators immediately ran into problems, apparently because engineers had failed to calculate accurately the amount of decay products that had built up in the tritium-produced reactor during its shutdown.

The decay products—primarily helium 3, according to plant manager William Kasper—act as a "poison" to a nuclear reaction, absorbing neutrons and slowing the reaction. Initiating and sustaining a nuclear reaction requires a certain level of neutron activity, which a reactor "poison" can thwart.

"The presence of helium 3 in the quantities that we saw made the reactor more difficult to start up than had been predicted," Mr. Kasper said.

However, sources said that operators were unaware of what was blocking the reaction during the start-up. Puzzled by the reactor's behavior, the operators pulled more control rods in an effort to boost the reaction.

Each time more control rods were pulled, however, the reaction briefly surged and then subsided again. Instead of a smooth increase in power, the reactor showed "spikes." The reason was that the decay products were acting as an internal brake, counteracting the effect of pulling out more control rods.

Mr. McClure. Mr. President, I yield the floor.

ORDERS FOR THURSDAY

RECESS UNTIL 10:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, there be a period for morning business to extend until the hour of 11 o'clock and that Senators be permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. ADAMS). Under the previous order, the Senate now stands in recess until 10:30 tomorrow morning.

Thereupon, at 5:06 p.m., the Senate recessed until Thursday, September 15, 1988, at 10:30 a.m.

NOMINATION

Executive nomination received by the Senate September 14, 1988:

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

HERMAN AGOYO, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM OF YEARS PRESCRIBED BY PUBLIC LAW 99-498 OF OCTOBER 17, 1986 (NEW POSITION).

CONFIRMATION

Executive nomination confirmed by the Senate September 14, 1988:

DEPARTMENT OF THE TREASURY

NICHOLAS P. BRADY, OF NEW JERSEY, TO BE SECRETARY OF THE TREASURY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—Wednesday, September 14, 1988

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. FOLEY].

The vote was taken by electronic device, and there were—yeas 274, nays 117, not voting 40, as follows:

[Roll No. 308]

YEAS—274

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Atkins
Bartlett
Bateman
Bates
Bellenson
Bennett
Berman
Bevill
Bilbray
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clement
Clinger
Coats
Coelho
Coleman (TX)
Collins
Combest
Conte
Cooper
Costello
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish

Flake
Filippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gillman
Glickman
Gonzalez
Gordon
Gradison
Grant
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (LA)
Hertel
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (CT)
Johnson (SD)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lipinski
Livingston
Lloyd
Lott
Lowry (WA)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey

McCurdy
McEwen
McHugh
McMillen (MD)
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Panetta
Payne
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Richardson
Rinaldo
Ritter
Robinson
Roe
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Russo
Sabo
Salki
Savage
Sawyer
Scheuer
Schneider
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)

Smith (IA)
Smith (NE)
Smith (NJ)
Solaz
Spratt
St Germain
Staggers
Stallings
Stenholm
Stokes
Stratton
Studds
Swift
Synar

Tallon
Tausin
Taylor
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Vento
Visclosky
Volkmer
Walgren
Watkins

Waxman
Weber
Weiss
Whitten
Wilson
Wise
Wolpe
Wortley
Wyden
Wyllie
Yates
Yatron

NAYS—117

Armey
Baker
Ballenger
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehert
Brown (CO)
Buechner
Bunning
Burton
Chandler
Clay
Coble
Coleman (MO)
Coughlin
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
DiGuardi
Dornan (CA)
Dreier
Edwards (OK)
Fields
Frenzel
Gallegly
Gekas
Gingrich
Goodling
Grandy
Hansen
Hastert
Hefley
Henry

Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
Kolbe
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McGrath
McMillan (NC)
Michel
Miller (OH)
Molinar
Moorhead
Murphy
Oxley
Parris
Pashayan
Penny
Pursell

Regula
Rhodes
Ridge
Roberts
Rogers
Roukema
Saxton
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny
(OR)
Smith, Robert
(NH)
Smith, Robert
(OR)
Snowe
Solomon
Spence
Stangeland
Stump
Sundquist
Swindall
Tauke
Thomas (CA)
Upton
Vucanovich
Walker
Weldon
Wheat
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—40

Aspin
AuCoin
Badham
Barnard
Boland
Boulter
Chappell
Cheney
Conyers
Courter
Dellums
Derrick
Dickinson
Emerson

English
Ford (TN)
Gray (IL)
Gregg
Hayes (IL)
Hefner
Jeffords
Jones (NC)
Kemp
Konnyu
Kostmayer
Lewis (GA)
Mack
MacKay

McDade
Mica
Nichols
Patterson
Rodino
Roybal
Stark
Sweeney
Towns
Valentine
Vander Jagt
Williams

□ 1223

So the Journal was approved.
The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 14, 1988.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on this day.

JIM WRIGHT,
Speaker of the
House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, You have called us to be prophets for a world where people will respect and honor themselves and all others. May we not cling to ideas, thoughts, and actions that no longer create environments where honor and respect can flourish or are relevant only to a world long gone. May our hearts and minds be sensitive to Your Word, O God, so we see the reality of the present time and meet that reality with actions that express the good works You would have us do. This we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WEBER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WEBER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4783) "an act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1989, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 8, 10, 20, 30, 37, 43, 44, 46, 48, 49, 51, 55, 58, 66, 72, 73, 75, 79, 80, 82, 85, 88, 100, 104, 106, 118, 130, 134, 137, 152, 153, 155, 157, 162, 165, 176, 177, 201, 203, 204, 209, 220, 222, 233, 245, 246, 250, and 256.

The message also announced that the Senate recedes from its amendment numbered 126, to H.R. 4783.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1630) entitled "an act to provide for retirement and survivors' annuities for bankruptcy judges and magistrates, and for other purposes," and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BIDEN, Mr. HEFLIN, Mr. DECONCINI, Mr. THURMOND, and Mr. GRASSLEY to be the conferees on the part of the Senate.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. FOLEY). It was the intention of the Chair at this point in our proceedings to recognize the gentleman from California [Mr. LEWIS] to lead the House in the Pledge of Allegiance. At his request, fully concurred in by the Chair, it is a great pleasure of the Chair to welcome back to this House and to recognize for the purpose of leading the Members in the Pledge of Allegiance the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Dear colleagues, please join me in saying the Pledge of Allegiance to our great flag.

Mr. SPENCE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

WELCOME BACK, FLOYD

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I rise for the purpose of joining the distinguished Speaker in a few remarks relative to the warm reception given our colleague, the gentleman from South Carolina [Mr. SPENCE]. I thank all of the Members of the House for that

warm reception given our colleague, and I am sure that FLOYD has got to be as emotionally moved as I am to take the floor.

Members on both sides of the aisle are welcoming back a Member who is a living miracle. Here we are with the gentleman from South Carolina, only the fifth individual to ever undergo a double-lung transplant at the University of Mississippi where in this country that is the only place where the operation is performed, and in North America Toronto is the only other place. For the first such operation ever performed, the outcome is unknown. The second and third patients succumbed. And FLOYD is alive and well after 4 months.

Mr. Speaker, it is usually the first 6 months that is so critical, and then, after a year, why one just has to thank their lucky stars that they are well on the road to recovery. What a joy it is to see what we are doing today in the field of medical science and what this Congress has done along the way to help and nurture the kind of things that are being done today.

Living evidence of that, Mr. Speaker, lies in our colleague, FLOYD SPENCE, who has undergone that double-lung transplant and then is here with us today. We are grateful to the good Lord for the way He smiled so kindly on FLOYD.

Obviously I am sure I speak for all the Members when I wish the gentleman from South Carolina [Mr. SPENCE] all the best for the future recovery for many years to come.

WELCOME BACK TO THE HONORABLE FLOYD SPENCE OF SOUTH CAROLINA

Mr. MONTGOMERY. Mr. Speaker, I know my colleagues on both sides of the aisle join me today in welcoming back a good friend, Congressman FLOYD SPENCE of South Carolina.

Since May of this year, he has been enjoying a large dose of Mississippi hospitality as he recovered from only the fifth double-lung transplant operation ever performed.

The University of Mississippi Medical Center in Jackson, MS, is one of the few hospitals equipped to perform this delicate operation. We are proud of that fact in Mississippi. As a close friend of FLOYD SPENCE, I am especially glad that Dr. Seshadri Raju and his medical team were there to help save FLOYD's life.

FLOYD, it is good to have you back with us.

NATIONAL MEDICAL RESEARCH DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 328) to designate the day of September 14, 1988, as "National Medical Research Day," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this resolution. As a matter of fact, it seems appropriate that we consider it today, after having paid tribute to the gentleman from South Carolina [Mr. SPENCE] and after what has happened in medical research with his double-lung transplant.

I yield to the gentleman from Maryland [Mr. HOYER], the prime sponsor of this joint resolution.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. MORELLA] for yielding.

Obviously, Mr. Speaker, I think the gentlewoman from Maryland has made a very appropriate comment. It is, with the incredible research that has gone into the FLOYD SPENCE success as the minority leader has pointed out, appropriate that we adopt this today on September 14, designating today as "Medical Research Day."

□ 1230

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I just want to comment that as somebody who has a real respect for the National Institutes of Health, I want to commend, not only today but every day for the kind of research that is going on, the Nobel Laureates that have come from there and other parts of the country, and for what they have been opening up in the possibility for cures of diabetes, AIDS, and all the other problems we have.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. DYMALLY]?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 328

Whereas America's medical research enterprise has been, and will continue to be, the acknowledged world leader in promoting health and preventing disease and disability;

Whereas medical research (defined for purposes of this Joint Resolution as biomedical, behavioral, and related research) continuously contributes to the discovery of new knowledge that will lead to the improved health and well-being of Americans and of all humankind;

Whereas America's medical research enterprise continues to pioneer breakthroughs in the detection and treatment of diseases and promote the widespread application of these methods and technologies to medical practice;

Whereas medical research has significantly contributed to bringing America's death rate to an all-time low and its life expectancy rates to all-time highs;

Whereas America's medical research enterprise has contributed enormously to the

control and virtual worldwide eradication of epidemic diseases such as cholera, smallpox, yellow fever, and bubonic plague, and the prevention in this country of childhood diseases such as diphtheria, polio, tetanus, and pertussis;

Whereas medical research has successfully produced effective vaccines now widely used to combat measles, mumps, rubella, meningitis, pneumonia, influenza, rabies, upper respiratory diseases, and hepatitis B;

Whereas America's financial investment in medical research has consistently been rewarded with positive returns as measured by reduced morbidity, and improved individual productivity and health status;

Whereas the products and by-products of medical research contribute significantly to the health of America's overall economy and its ability to compete successfully in international commerce and trade;

Whereas medical research in this country has fostered a productive and ongoing positive public and private sector partnership among government, academia, industry, and voluntary organizations in the pursuit of research excellence and discovery;

Whereas the Congress of the United States has consistently demonstrated a Federal financial commitment to maintaining America's preeminence in medical research through support of such agencies as the National Institutes of Health, the Alcohol, Drug Abuse and Mental Health Administration, the Centers for Disease Control, and the Veterans' Administration;

Whereas 1987 was formally recognized by the Congress and the President of the United States as the National Institutes of Health centennial year, commemorating 100 years of Federal support for medical research;

Whereas America's medical research enterprise has produced 85 internationally respected Nobel laureates in physiology, medicine, and chemistry and must continue to foster the interest and training of young scientists, medical practitioners, and other health professionals in research careers, as well as ensure the adequacy of the settings within which they will work;

Whereas America's medical researchers are working at the forefront of biomedical technologies which create exciting new medical research opportunities that hold the best hope for unraveling the mysteries of cancer, AIDS, Alzheimer's disease, arthritis, epilepsy, diabetes, multiple sclerosis, heart and lung diseases, mental illness, and the many other diseases and disorders which claim or severely impair the lives of millions of Americans; and

Whereas the Congress of the United States acknowledges with pride the many accomplishments of America's medical research enterprise and confidently looks to it for continued progress in relieving human suffering and conquering the diseases and disorders that afflict the people of this country: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the day of September 14, 1988, is designated as "National Medical Research Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 328, the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ECONOMIC STABILIZATION OF COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, TO SIT DURING 5-MINUTE RULE

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Economic Stabilization of the Committee on Banking, Finance and Urban Affairs, be permitted to sit today during the 5-minute rule for the purpose of marking up two bills, H.R. 4037 and H.R. 5283.

Mr. Speaker, this request has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. WALKER. Reserving the right to object, Mr. Speaker, may I ask, this has been cleared with the minority?

Ms. OAKAR. If the gentleman will yield, yes, it has, Mr. Speaker.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO DISCHARGE COMMITTEE ON ARMED SERVICES FROM FURTHER CONSIDERATION OF H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. WALKER. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. WALKER moves to discharge the Committee on Armed Services from further consideration of H.R. 4264.

Mr. COELHO. Mr. Speaker, I move to lay the motion to discharge on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. COELHO] to lay on the table the motion offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 164, not voting 28, as follows:

[Roll No. 309]

YEAS—239

Ackerman	Gejdenson	Oberstar
Akaka	Gephardt	Obeys
Alexander	Gibbons	Olin
Anderson	Glickman	Ortiz
Andrews	Gonzalez	Owens (NY)
Annunzio	Gordon	Owens (UT)
Anthony	Grant	Panetta
Applegate	Gray (IL)	Patterson
Atkins	Gray (PA)	Payne
AuCoin	Guarini	Pease
Bates	Hall (OH)	Pelosi
Bellenson	Hall (TX)	Penny
Bennett	Hamilton	Pepper
Berman	Harris	Perkins
Bevill	Hatcher	Pickett
Bilbray	Hawkins	Pickle
Boggs	Hayes (IL)	Price
Boland	Hayes (LA)	Rahall
Bonior	Hefner	Rangel
Bonker	Hertel	Ray
Borski	Hochbrueckner	Richardson
Bosco	Hoyer	Robinson
Boucher	Hubbard	Rodino
Brennan	Huckaby	Roe
Brooks	Hughes	Rose
Brown (CA)	Hutto	Rostenkowski
Bruce	Jacobs	Rowland (GA)
Bustamante	Jenkins	Roybal
Byron	Johnson (SD)	Russo
Campbell	Jones (TN)	Sabo
Cardin	Jontz	Savage
Carper	Kanjorski	Sawyer
Carr	Kaptur	Scheuer
Chapman	Kastenmeier	Schroeder
Chappell	Kennedy	Schumer
Clarke	Kennelly	Sharp
Clay	Kildee	Sikorski
Clement	Kleczka	Slusky
Coelho	Kolter	Skaggs
Coleman (TX)	LaFalce	Skelton
Collins	Lancaster	Slattery
Conyers	Lantos	Slaughter (NY)
Cooper	Leath (TX)	Smith (IA)
Costello	Lehman (CA)	Solarz
Coyne	Lehman (FL)	Spratt
Crockett	Leland	St Germain
Darden	Levin (MI)	Staggers
de la Garza	Levine (CA)	Stallings
DeFazio	Lewis (GA)	Stenholm
Dellums	Lipinski	Stokes
Derrick	Lloyd	Stratton
Dicks	Lowry (WA)	Studds
Dingell	Luken, Thomas	Swift
Dixon	Manton	Synar
Donnelly	Markey	Tallon
Dorgan (ND)	Martinez	Tauzin
Dowdy	Matsui	Thomas (GA)
Downey	Mavroules	Torres
Durbin	Mazzoli	Torricelli
Dwyer	McCloskey	Trafficant
Dymally	McCurdy	Traxler
Dyson	McHugh	Udall
Early	McMillen (MD)	Valentine
Eckart	Mfume	Vento
Edwards (CA)	Mineta	Visclosky
Erdreich	Moakley	Volkmer
Espy	Mollohan	Wagren
Evans	Montgomery	Watkins
Fascell	Moody	Waxman
Fazio	Morrison (CT)	Weiss
Feighan	Mrazek	Wheat
Flake	Murphy	Whitten
Flippo	Murtha	Williams
Foglietta	Nagle	Wilson
Foley	Natcher	Wise
Ford (MI)	Neal	Wolpe
Ford (TN)	Nelson	Wyden
Frank	Nichols	Yates
Frost	Nowak	Yatron
Garcla	Oakar	

NAYS—164

Archer	Bateman	Broomfield
Armey	Bentley	Brown (CO)
Baker	Bereuter	Buechner
Ballenger	Billakis	Bunning
Bartlett	Billey	Burton
Barton	Boehlert	Callahan

Chandler	Johnson (CT)	Rinaldo
Clinger	Kasich	Ritter
Coats	Kolbe	Roberts
Coble	Kyl	Rogers
Coleman (MO)	Lagomarsino	Roth
Combest	Latta	Roukema
Conte	Leach (IA)	Rowland (CT)
Coughlin	Lent	Salki
Courter	Lewis (CA)	Saxton
Craig	Lewis (FL)	Schaefer
Crane	Lightfoot	Schneider
Dannemeyer	Livingston	Schuette
Daub	Lott	Schulze
Davis (IL)	Lowery (CA)	Sensenbrenner
Davis (MI)	Lujan	Shaw
DeLay	Lukens, Donald	Shays
DeWine	Lungrun	Shumway
DioGuardi	Madigan	Shuster
Dorman (CA)	Marlenee	Skeen
Dreier	Martin (IL)	Smith (NE)
Edwards (OK)	Martin (NY)	Smith (NJ)
Fawell	McCandless	Smith (TX)
Fields	McCollum	Smith, Denny
Fish	McCrery	(OR)
Frenzel	McDade	Smith, Robert
Gallegly	McEwen	(NH)
Gallo	McGrath	Smith, Robert
Gekas	McMillan (NC)	(OR)
Gillman	Meyers	Snowe
Goodling	Michel	Solomon
Gradison	Miller (OH)	Spence
Grandy	Miller (WA)	Stangeland
Green	Molnari	Stump
Gregg	Moorhead	Sundquist
Gunderson	Morella	Swindall
Hammerschmidt	Morrison (WA)	Tauke
Hansen	Myers	Taylor
Hastert	Nielson	Thomas (CA)
Hefley	Oxley	Upton
Henry	Packard	Vucanovich
Herger	Parris	Walker
Hill	Pashayan	Weber
Holloway	Petri	Weldon
Hopkins	Porter	Whittaker
Horton	Pursell	Wolf
Houghton	Quillen	Wortley
Hunter	Ravenel	Wyllie
Hyde	Regula	Young (AK)
Inhofe	Rhodes	Young (FL)
Ireland	Ridge	

NOT VOTING—28

Aspin	Florio	Mica
Badham	Gaydos	Miller (CA)
Barnard	Gingrich	Slaughter (VA)
Boulter	Jeffords	Smith (FL)
Boxer	Jones (NC)	Stark
Bryant	Kemp	Sweeney
Cheney	Konnyu	Towns
Dickinson	Kostmayer	Vander Jagt
Emerson	Mack	
English	MacKay	

□ 1253

Messrs. WHITTEN, OBEY, BEIL-ENSON, VOLKMER, HAYES of Illinois, and GONZALEZ changed their votes from "nay" to "yea."

So the motion to lay the motion on the table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INVITATION TO PARTICIPATE IN PHOTOGRAPH WITH THE HONORABLE FLOYD SPENCE

(Mr. RAVENEL asked and was given permission to address the House for 1 minute.)

Mr. RAVENEL. Mr. Speaker, the House photographer is going to be on the House steps in just a few moments to take pictures with the gentleman from South Carolina [Mr. SPENCE], and we would like to invite as many of

the Members who could to come out and have their picture taken with him.

"NADA" IS THE WORD FOR THE REAGAN ADMINISTRATION RECORD ON HISPANICS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, as is the case in every election year, there are some misconceptions—actually I should say mistruths—being spoken during this Presidential campaign about what the Reagan-Bush administration has done for Hispanic America. While Mr. BUSH likes to tell us how close he is with his little brown ones, the vice president is clearly out of touch with the 20-million other Hispanics in our great country. Mr. BUSH claims Hispanic America has prospered under the Reagan-Bush economic policies. Wake up Mr. BUSH—we have not prospered. While you were running up a heavy deficit—enacting tax cuts to the rich, the Hispanic poverty rate increased 30 percent. In just the last year alone, the median family income for Hispanic families has fallen 2 percent. And maybe, the most disturbing statistic of all is the fact that 40 percent of Hispanic children under 3 years old live in poverty. Mr. BUSH, don't tell us Hispanic America is prospering because of the Reagan-Bush administration. We know better. And we know the only way we are going to better our lives and the lives of our children is through education. It was the Reagan-Bush administration that campaigned to eliminate the Department of Education. We won't forget that; we won't forget that the Reagan-Bush administration sent a budget to Capitol Hill each year cutting enormously the education budget, Mr. Speaker, 28 percent last year alone.

Mr. Speaker, let us set the record straight. The Reagan administration's record on Hispanics is not macho, it is not un poco, it is nada.

Our Nation has a long history of racial and ethnic diversity. Today, within our communities, peoples of all backgrounds live their lives in an atmosphere of ever increasing racial and cultural tolerance. Across America, our citizens pursue their unique vision of the American dream with greater freedom than ever before.

It is important to remember, however, that tolerance of diversity is a dynamic and evolving goal. A goal whose achievement requires vigilance, determination, and, most importantly, awareness. These are the very goals for National Hispanic Heritage Week.

During this week, our entire Nation will join the nearly 20 million Hispanic-Americans to recognize the many contributions this community has

made and continues to make to our Nation's advancement. Hispanic influence in our land dates back to the 16th century. Our oldest cities were founded by Spanish colonists. The entire Southwest, including my home State of New Mexico, was settled by Spanish colonists in the 1500's, long before the Europeans began to settle on the east coast.

Hispanic contributions continued through the founding of our Nation, its growth, expansion, and maturity, and are more evident today than ever before. One only needs to visit the Vietnam Veterans Memorial for evidence of the Hispanic community's contribution to our Nation.

Hispanic culture is evident in the media, the arts, in our politics, in the food we eat, and the music we listen to. Part of this influence is derived from the \$130 billion in the buying power of Hispanic families, something which is increasingly noted by our Nation's mass merchandisers. Recently, Time Magazine dedicated a special issue to this very topic, the increasing influence of Hispanic America. I am proud to say that the Democratic Party's nominees for the Presidency and Vice Presidency are both fluent speakers of Spanish.

This attention recognizes the growing political, cultural, and economic influence of the Hispanic community. Hispanics make up the fastest growing minority population in the United States. Projections indicate the current Hispanic population will grow to 30 million by the year 2000 and will represent 11 percent of the U.S. population.

This factor is doubly significant in view of the future U.S. labor force. Hispanics represent an important resource of talents and skills in today's labor market, and a potential resource of even greater proportions. In addition, Hispanics bring with them a cultural tradition that can be very useful in understanding and assessing Latin American political and economic issues. This resource, this skill and knowledge, should be of particular interest to the National Security Agency.

National Hispanic Heritage Week's importance lies in that it will further our Nation's understanding and awareness of its own Hispanic heritage and community. But if our goal is awareness let us not, in our celebration of our Hispanic culture and heritage, forget that today this community is encumbered with many problems which we as a nation must address and help resolve. While Hispanic family income has grown 10 percent annually, to an average of \$22,900, it is still about a third lower than the general population. The Hispanic community suffers from high illiteracy and the highest high school dropout rate of

any group. Health services in the community are often overburdened, underfunded, and do not meet the unique needs of the Hispanic community.

A greater awareness of our Nation's diversity, the richness of its cultures, the depth and breadth of its heritage, will lead to our ultimate goal: To transcend tolerance and arrive at a society which celebrates its diversity as warmly as it celebrates its shared values. As we come to understand our history and our diversity, we also come to understand ourselves, what we stand for, and what we believe.

Nowhere are these values reflected more clearly than in our approach to national security and foreign policy. This is why Hispanic involvement in security agencies and foreign policy is so very important—this involvement assures that policy set forth and implemented by these groups benefits from broader input truly reflects the values of the American people, all of the American people.

In joining with the Hispanic community to work for its advancement, America itself moves forward enriched by the contributions of a community which is dedicated, hardworking, honest, and patriotic. A community which is, in a word, American.

IN HONOR OF PAT BOONE AND THOSE WHO FIGHT THE LONELY BATTLE

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I had a shattering experience in Jacksonville, FL, night before last. I spent the better part of 4 hours in the wee hours of the morning from about midnight to 4 a.m. riding with police teams sweeping the area for drugs.

Within 10 minutes we arrested one young teenager after another, some of them as young as 12 and 13 years of age riding on their bicycles, approaching the sting police vehicle with a young female police officer and a young male officer who looked like teenagers looking to buy crack, cocaine. These young men, when I talked to them, were lying on the ground with handcuffs on, with their hands behind their back. I said, "What is your name, son?" He said, "Bobby, sir." I said, "Bobby, where did you get the cocaine?" "The other side of town on Jefferson Street." "What did you pay for that crack?" "Five bucks." "What do you sell it for?" "Twenty."

Mr. Speaker, I can remember when some of us sitting on television shows and town hall forums 20 years ago were talking about this monster, this whirlwind, that we are reaping now. I can remember particularly a fine family man in Hollywood, and we do have entertainers who have set a good

example for their sons and their daughters, Pat Boone, who was teased that he was more interested in milk instead of marijuana.

There are a lot of people in Hollywood now who would like to rethink the Pat Boone proposition that milk was something we should talk about, not turning on, tuning out, dropping out, and if it felt good, do it.

Mr. Speaker, I honor Pat Boone and those in the Hollywood community who still fight that lonely battle.

AMERICA'S TRADE PROBLEM

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, it is big news in Washington, DC, that last month the trade deficit is down, down to only \$9.5 billion. Think about it. America's trade problem is so bad that some Members of Congress are cheering that it may only be \$120 to \$140 billion next year.

Mr. Speaker, I do not think that is good news. I think it is a crime and an indictment on our Government. Foreign nations keep laughing at us all the way to the bank. They keep American products out, and we in Congress give them free access to all our markets. I think it is time to implement the trade bill, even though it is a token measure. It is time for Ronald Reagan to enforce it and put his foot down.

Mr. Speaker, I think it is time that Congress stops slapping wrists and starts taking names before we have a United States of Japan on our soil.

□ 1300

WATER LEGISLATION

(Mr. HOPKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOPKINS. Mr. Speaker, there is no provision for funding water supply projects in current Federal law and many consecutive years of deficit rainfall, plus the national drought and a disturbing increase in ground water pollution have revealed a serious gap in Federal water policy.

I am introducing a bill to close that gap and would very much appreciate your support.

This legislation amends present law to allow Federal support for municipal and industrial water supply development projects.

This bill doesn't have to increase spending on water projects. But, States and communities with real water supply problems should be given the opportunity to compete for Federal assistance from the present pool of funds.

This bill will allow proper study and preparation for the next Congress.

Because the 1988 drought has underscored the fact that an adequate water supply is fundamental to the health of our people and our economy. I hope you will support this effort to make Federal policy reflect that reality.

MISGUIDED LITMUS TEST OF PATRIOTISM IN RECITING PLEDGE OF ALLEGIANCE

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, I came to the floor today to be with my colleagues in reciting the Pledge of Allegiance. I came here because I love my country. I came because I was honored to recite the Pledge of Allegiance on the floor of the House.

And I came here because for many of my colleagues it is becoming increasingly an important part of this campaign. I did not make that pledge because anyone forced me to do so, and I think I know a little bit about the flag, Mr. Speaker. I carried it in the closing ceremonies of the 1964 Olympic games, and I fought for it, as did many of my colleagues, in the Korean war.

But Mr. Speaker, I am concerned about the misguided litmus test of patriotism in making the Pledge of Allegiance mandatory on the floor of the House. I can remember in pre-World War II, as many of my age group can, that the pledge for Nazi Germany was done a little bit similar to the last part of our pledge. We started out with hand over the heart, and in the middle we raised our hand out, palm up in the middle of the pledge, and that was changed in World War II because of the similarity with the Nazi pledge with the palm down. I think we realized in retrospect that it was the enforcement of that pledge in Nazi Germany that was bad.

Mr. Speaker, I want to reaffirm my belief in the American freedom by recognizing when we say the pledge we do so out of love and out of joy, and not out of a fear of being branded unpatriotic.

SEVEN DAYS TO A SAFER AMERICA

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, this week we will be considering amendments to the omnibus drug bill that would eliminate the provision requiring a 7-day waiting period for handgun purchases that is now part of the bill.

Every major police organization in the country supports the 7-day waiting period and we should, too. We talk on and on about law enforcement. Let's put up or shut up and give the police what they say they need to do the job we charge them with doing.

The waiting period is simple, effective and in no way keeps legitimate, lawabiding citizens from purchasing handguns. All the Brady amendment does is afford local police an opportunity to conduct background checks on individuals to assure that they meet a minimum level of responsibility before they take possession of handguns.

The NRA would have you think that all of its members oppose the Brady amendment. Don't you believe it. I have, personally, talked with a number of NRA members from my district who, when the amendment was explained to them, said that they saw nothing wrong with a 7-day waiting period and would have no problem living with it. I strongly encourage defeat of the McCollum and Volkmer amendments and support for a safer America and for our police.

UNITED NATIONS FUNDING

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, President Reagan, in announcing yesterday that the administration would pay \$188 million of outstanding debt to the United Nations, proclaimed that "the U.N. is directly serving important long-term objectives of this administration." He has also asked the State Department to work out a multiyear plan to pay back the \$520 million that the United States would still owe to the organization.

The President has made a wise, decision. Perhaps, now the important work of the United Nations will no longer be jeopardized by our Government's refusal to meet its international treaty obligations.

Hopefully this is an indication that this administration has finally recognized the need to respect international law. Ironically, Mr. Speaker, Vice President Bush, himself a former Ambassador to the United Nations has frequently attacked Governor Dukakis for accepting what the Reagan administration now appears to understand: That United Nations has an important role to play in today's conflict-ridden world—whether in southern Africa or the Persian Gulf.

Mr. Speaker, I hope that the Vice President can appreciate the lesson learned by his own administration: That by supporting the work of the United Nations, we serve America's interests as well.

CEDAR BLUFF LEGISLATION

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, today I am privileged to introduce needed legislation that would reauthorize the reformation of the Kansas Cedar Bluff Reservoir unit of the Pick-Sloan Missouri Basin Program and to provide for the amendment of water services and repayment contacts.

In recent years, the Cedar Bluff Reservoir in Kansas has been unable to pay back to the Federal Government payments for construction, operation, and maintenance, and replacement obligations under their present contract with the Bureau of Reclamation.

Even before this year's severe drought conditions, the Smoky Hill River above Cedar Bluff Reservoir showed a significant flow depletion. During the past 23 years, the result has been a consistent decline in the water supply available for irrigation. Water deliveries for irrigation have been stopped since 1978.

On December 17, 1987, the State of Kansas and the Bureau of Reclamation signed a memorandum of understanding that works to resolve these problems and clears the way for this legislation. Kansas senior Senator BOB DOLE has introduced similar legislation in the Senate.

Mr. Speaker, a copy of the memorandum of understanding follows. I look forward to House Interior Committee consideration of this important legislation.

MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, AND FISH AND WILDLIFE SERVICE, THE STATE OF KANSAS AND THE CEDAR BLUFF IRRIGATION DISTRICT NO. 6 CONCERNING REFORMULATION AND OPERATION OF THE CEDAR BLUFF UNIT

1. PURPOSE

The purpose of this Memorandum of Understanding is to establish a cooperative partnership between the U.S. Department of the Interior-Bureau of Reclamation (Bureau) and Fish and Wildlife Service (Service), the State of Kansas (State), and the Cedar Bluff Irrigation District (District) to achieve the greatest possible level of multipurpose benefits from the Cedar Bluff Unit, built and operated by the Bureau on the Smoky Hill River, in Trego and Ellis counties, in west-central Kansas.

2. BACKGROUND.

The Cedar Bluff Unit was authorized as a multipurpose unit of the Missouri Basin Project to provide flood control, irrigation, and other associated benefits. The major feature of the project, Cedar Bluff Dam and Reservoir, was completed in 1951. The dam was constructed in advance of the finalization of irrigation plans as a part of the Missouri River Basin Flood Control Program. Formation of the District was filed with the Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture, on January 3, 1958. After approval by the

Chief Engineer, the three member District board of directors as elected September 9, 1958. The District has a total irrigable acreage of 6,800 acres. The delivery of irrigation water to project lands began in 1963.

The Cedar Bluff Unit includes the dam and reservoir, the irrigation distribution system, as fish cultural station built by the U.S. Fish and Wildlife Service below the dam, and the fish, wildlife, and recreation investment made by the State in land and water management and in State park facilities. The U.S. Fish and Wildlife Service holds a Kansas water right for water supply associated with the fish cultural station. The city of Russell holds a Kansas water right associated with storage space in Cedar Bluff Reservoir for municipal water supply by direct releases to the Smoky Hill River. The District holds the water right associated with the irrigation of its 6,800 acres of irrigable lands.

During flood stages, operation of the reservoir is in accordance with cooperative agreements with the Corps of Engineers for basinwide control. These agreements provide that the Corps of Engineers will direct operations when the water surface is within the flood control pool.

Studies show a significant flow depletion in the Smoky Hill River above Cedar Bluff Reservoir. There has been a consistent decline in water supply available for irrigation from Cedar Bluff Reservoir during the past 23 years. The following problems related to operating the Cedar Bluff Unit under these depleted inflow conditions have been identified:

a. No deliveries of irrigation water have been made to the District since 1978.

b. In recent years, the District has not been able to pay construction repayment installments, or operation, maintenance, and replacement obligations under the present contract with the Bureau.

c. The fish cultural station located below the dam, which was operated by the U.S. Fish and Wildlife Service, has been closed and is now operated by the Kansas Department of Wildlife and Parks as a Canadian goose rearing facility.

d. Without (1) water deliveries to the District, (2) water releases to the river for the city of Russell, and (3) water utilized by the fish cultural station below the dam, the Smoky Hill River and alluvial ground-water system has not been recharged by stream flows, or return flows, that historically have been available. This has in part been responsible for critical depletions at city and rural water district alluvial groundwater supply facilities.

e. The Kansas Department of Wildlife and Parks is concerned about protecting and utilizing the State's investment in the fishery in Cedar Bluff Reservoir and wildlife management associated with the land area around the reservoir. It is also concerned about protecting and utilizing the State's investment in recreation facilities at the Cedar Bluff State park areas down to the reservoir water level.

3. OVERVIEW OF INITIATIVE

The Federal/State-District partnership established in this memorandum of Understanding is designed to reformulate and operate the Cedar Bluff Unit in recognition of the issues in paragraph 2 above. In order to achieve this objective, the Bureau, the Service, the State, and the District intend to reformulate and operate the Cedar Bluff Unit so that:

a. The existing flood control aspects of the project would be unchanged, except for additional flood storage in the "joint-use pool" as described in f. below.

b. The lower 19.1 feet of the existing conservation pool (consisting of 29,739 acre-feet between elevation 2090.0 and elevation 2109.1) would be a "designated operating pool" (2,700 acre-feet) for the City of Russell's municipal water supply; (5,400 acre-feet) for artificial recharge (environmental, domestic, municipal, industrial, and irrigation); and (21,639 acre-feet) for fish, wildlife, and recreation. (See Exhibit No. 1, page 4).

c. The "designated operating pool" would be operated as a single pool with the three users sharing proportionally the inflows and losses, so that a continuous accounting is maintained on the amount of water that is available for Russell's municipal water supply; for artificial recharge; and for fish, wildlife, and recreation. The State intends to operate the fish, wildlife, and recreation part of the "designated operating pool" for the benefit of recreation activities and fisheries management at Cedar Bluff Lake, and for minimal downstream releases for goose rearing activities and stream environment preservation.

d. The City of Russell's existing water storage right and contract with the Bureau would be unchanged, including the continuance of the existing accounting procedure for sharing of inflows and losses at Cedar Bluff Reservoir.

e. Subject to Congressional approval of the reformulated Cedar Bluff Unit, the District would be relieved of its contractual obligations under contract No. 0-07-70-W0064, formerly No. 14-06-700-2118, dated September 3, 1959, as amended. After this approval, the district would request the chief Engineer, Division of Water Resources, State Board of Agriculture, for permission to disband the irrigation district as provided for under Kansas law.

f. The upper 34.9 feet of the existing conservation pool (consisting of 147,000 acre-feet between elevation 2109.1 and elevation 2144.0) would be a "joint-use pool" for flood control; for water supply; and for fish, wildlife, and recreation. When the "joint-use pool" is empty, the operation, maintenance, and replacement (OM&R) costs would be assigned to flood control, and, if water should accumulate into the "joint-use pool", the OM&R costs would be paid by the state based on the highest level of water in the "joint-use pool" during the preceding calendar year. "OM&R Costs" shall mean and shall be limited to those necessary expenditures directly incurred for operation, maintenance, and replacement for the facilities necessary to fulfill the intent and purposes for which Cedar Bluff Dam and Reservoir was authorized and constructed including the reformulation of those purposes as herein contemplated. Any net revenues from the sale of water from the "joint-use pool" should be shared equally between the Bureau and the State. (See Exhibit No. 1, page 4).

EXHIBIT NO. 1.—CEDAR BLUFF RESERVOIR—Continued

	Elev.	Capacities	Ac.-Ft.
Fish, Wildlife and Rec.			21,639
Designated operating pool	2096.8	16,361	1 (8,100)
Artificial Recharge			5,400
Russell Water Supply	2092.5	10,961	1 (2,700)
Min. Elevation for Making River Releases	2090.0	8,261	1 (0)

¹ Corrected for 8.261 ac.-ft. at 2090.0.

² Size of each specific pool in ac.-ft.

g. The Kansas Department of Wildlife and Parks would continue to administer the reservoir lands and lake areas for fish and wildlife management purposes according to existing agreements, and to operate the Cedar Bluff State Park areas extended down to the water surface actually in the reservoir.

h. The Service would transfer to the State the ownership of all buildings, fixtures, and equipment associated with the fish hatchery for the State's operation for fish, wildlife, and related purposes.

i. The State would pursue its evaluation for the formulation of an Intensive Ground-water Use Control Area in the Smoky Hill River alluvium above Cedar Bluff Reservoir.

j. The Bureau would conduct "Safety-of-Dams" (SOD) studies as it deems necessary concerning SOD issues. The contract for sale of the use of a portion of the conservation storage capacity to the State will acknowledge these SOD studies, and allow both parties to have the option to invalidate the sale contract, should that be determined to be the best solution to the SOD problems.

4. PROCEDURES

a. The Bureau intends to:

(1) Prepare a contract for the sale of storage capacity in the conservation pool of Cedar Bluff Reservoir to the State, based on the agreed upon criteria.

(2) Operate and maintain Cedar Bluff Dam and Reservoir for flood control in cooperation with the Corps of Engineers; for municipal water supply for the City of Russell; and for artificial recharge (environmental, domestic, municipal, industrial, and irrigation) and fish, wildlife, and recreation, in cooperation with the State.

(3) Designate a part of the existing conservation storage space in Cedar Bluff Reservoir (between elevation 2090.0 and elevation 2109.1) as a "designated operating pool", and the remaining portion of the existing conservation storage space in Cedar Bluff Reservoir (between elevation 2109.1 and elevation 2144.0) as a "joint-use pool".

(4) Operate the "designated operating pool" as a single pool with all three uses sharing proportionally in the inflows as well as the losses, so that a continuous accounting is maintained on how much water is available for the City of Russell's municipal water supply; for artificial recharge; and for fish, wildlife, and recreation.

(5) Operate the "joint-use pool" for flood control; for water supply; and for fish, wildlife, and recreation. When the "joint-use pool" is empty, the OM&R costs would be assigned to flood control, and, if water should accumulate into the "joint-use pool", the OM&R costs would be paid by the State based on the highest level of water in the "joint-use pool" during the preceding calendar year. "OM&R Costs" shall mean and shall be limited to those necessary expenditures directly incurred for operation, maintenance, and replacement for the facilities necessary to fulfill the intent and purposes for which Cedar Bluff Dam and Reservoir

was authorized and constructed including the reformulation of those purposes as herein contemplated. Any net revenues from sale of water from the "joint-use pool" will be shared equally between the Bureau and the State.

(6) Accept, subject to Congressional approval and in lieu of the District's repayment obligation to the United States, an up-front payment of \$365,424 from the State for purchase of the use of a portion of the conservation storage capacity in Cedar Bluff Reservoir. The payment will be made in two successive equal annual installments of \$182,712.

(7)(a) Include in the proposed sale contract a provision for a payment by the State for its proportionate share of the OM&R costs for Cedar Bluff Dam and Reservoir. The State's share for the "designated operating pool" OM&R costs will be 7.33 percent of the total, or \$15,000, whichever is greater. 27,039 A.F. divided by 368,689 A.F. equals 7.33%.

(b) Should the water level ever rise into the "joint-use pool", the maximum amount of storage in that pool will be divided by the total reservoir storage of 368,689 acre-feet to find a percent of OM&R costs for the next year's payment to be paid by the State. Any OM&R costs associated with this pool will be in addition to the 7.33 percent for the "designated operating pool" as stated above, or a total of \$15,000, whichever is greater.

(8) Continue unchanged the existing contract between the City of Russell and the Bureau, including continuance of the existing accounting procedure for sharing inflows and losses at Cedar Bluff Reservoir.

(9) Transfer to the District fee title to all real property and buildings at the District headquarters, along with all equipment and tools, for its agreement to abandon the distribution system at no further cost to the United States.

(10) Effect a declaration of abandonment of all easements for the District's distribution system. Filing of any formal rights of way abandonment documents will be each landowner's responsibility.

(11) Continue with "Safety of Dams" (SOD) studies on Cedar Bluff Dam and Reservoir to determine the most feasible corrective actions to be undertaken to resolve the SOD issues.

b. The Service intends to:

(1) Transfer to the State the ownership of all buildings, fixtures, and equipment associated with the fish hatchery for the State's operation for fish, wildlife, and related purposes.

(2) Transfer the water rights associated with the fish hatchery to the State for their use for fish, wildlife, and related purposes.

c. The Service intends to:

(1) Enter into a contract of sale for the use of a portion of the conservation storage in Cedar Bluff Reservoir with the Bureau based on the agreed upon criteria.

(2) Promote the passage of the required legislation for the reformulated operation of the Cedar Bluff Unit through the United States Congress.

(3) Pursue its evaluation for the formulation of an Intensive Ground-water Use Control Area in the alluvium above Cedar Bluff Reservoir.

(4) Utilize the "designated operating pool" as a single pool for the City of Russell's municipal supply; for artificial recharge (environmental, domestic, municipal, industrial, and irrigation); and for fish, wildlife, and recreation purposes, with all three uses sharing proportionally inflows and losses, so

EXHIBIT NO. 1.—CEDAR BLUFF RESERVOIR

	Elev.	Capacities	Ac.-Ft.
Top of Flood Control Pool	2166.0	376,950	1 (368,689)
Flood control pool			191,860
Top of Existing Conservation Pool	2144.0	185,090	1 (176,829)
Joint use pool			147,090
Top of Designated Operating Pool	2109.1	38,000	1 (29,739)
Current Water Level	2106.0		

that a continuous accounting is maintained on how much water is available for each of the three use categories.

(5) Utilize the "joint-use pool" for flood control; for water supply; and for fish, wildlife, and recreation. When the "joint use pool" is empty, the OM&R costs would be assigned to flood control, and, when water accumulates into the "joint-use pool" the OM&R costs would be paid by the State based on the highest level of water in the "joint-use pool" during the preceding calendar year. "OM&R Costs" shall mean and shall be limited to those necessary expenditures directly incurred for operation, maintenance, and replacement for the facilities necessary to fulfill the intent and purposes for which Cedar Bluff Dam and Reservoir was authorized and constructed including the reformulation of those purposes as herein contemplated. Any net revenue from the sale of water from the "joint-use pool" will be shared equally between the Bureau and the State.

(6) Pay, in lieu of the repayment obligation between the Bureau and District, an upfront payment of \$365,424 (payable in two successive equal payments of \$182,712 per year) for the use of a portion of the conservation capacity in Cedar Bluff Reservoir.

(7)(a) Contract with the Bureau of payment of a share of the OM&R costs for Cedar Bluff Dam. The State's share of the "designated operation pool" OM&R costs will be 7.33 percent of the total, or \$15,000, whichever is greater. 27,039 A.F. divided by 368,689 A.F. equals 7.33%.

(b) Should the water level ever rise to the "joint-use pool", the maximum amount of storage in that pool will be divided by the total reservoir storage of 368,689 acre-feet to find a percent of OM&R costs for the next year's payment to be paid by the State. Any OM&R costs associated with this pool will be in addition to the 7.33 percent for the "designated operating pool" as stated above, or a total of \$15,000, whichever is greater.

(8) Pursue a change in use application, and transfer the U.S. Fish and Wildlife Service water right and the District's water right associated with the conservation storage space in Cedar Bluff Reservoir to the State for artificial recharge (environmental, domestic, municipal, industrial, and irrigation) and for fish, wildlife, and related purposes.

(9) Continue to operate the project lands and lake areas for fish, wildlife, and recreation purposes according to existing agreements.

(10) Extend the Cedar Bluff State Park areas down to the water level actually in the reservoir.

(11) Accept the ownership of all buildings, fixtures, and equipment associated with the fish hatchery for the state's operation for fish, wildlife, and related purposes.

d. The District intends to:

(1) Agree, subject to Congressional approval, to the State's payment of \$365,424 to the Bureau for the use of a portion of the conservation storage capacity in Cedar Bluff Reservoir in lieu of its repayment obligation to the United States. In consideration of this debt relief, the District agrees to abandon the distribution system at its expense, and to disband as an irrigation district under Kansas law.

(2) Agree to the submission of an application for a change in use, and to the transfer of that portion of its water right associated with the conservation storage space in Cedar Bluff Reservoir to the State for artificial recharge (environmental, domestic,

municipal, industrial, and irrigation) and for fish, wildlife, and recreation purposes.

(3) Accept transfer of ownership of all real property and buildings at the District headquarters, along with all equipment and tools, and agree to abandon all of the distribution system at no additional cost to the United States.

(4) Utilize all of its existing funds and any revenue from the sale of its real property, tools, and equipment to assist the individual landowners in affecting the abandonment of the distribution system and related facilities, at no additional cost to the United States, by reimbursing landowners with the remaining funds to accomplish satisfactory abandonment in accordance with District recommendations.

(5) Agree on behalf of all individual landowners to the declaration of abandonment of all construction, operation, and maintenance easements for the distribution system. Agree that any formal rights-of-way filings desired by landowners will be their individual responsibility.

(6) Support the passage of the required legislation for the reformulated Cedar Bluff Unit through the United States Congress.

5. INTERIM OPERATIONS

Commencing with the execution of this agreement and continuing until the reformulated Cedar Bluff Unit is authorized by the Congress and all contracts and transfer documents are executed between the Bureau, the Service, the State, and the District, the reservoir will be operated in accordance with the purposes for which it was authorized and constructed pursuant to the authority of the Secretary of the Interior and in general accord with the provisions of this Memorandum of Understanding.

6. CONDITIONS

a. This Memorandum of Understanding shall be effective upon the date that all parties have signed.

b. This Memorandum of Understanding is predicated upon the pursuit of the reformulation and operation of the Cedar Bluff Unit on a comprehensive basis. Should the initiative not move forward in a judicious manner due to failure of the Bureau, the Service, the State, or the District to carry out these actions described in paragraph 4 above, then the understanding contained herein shall become null and void.

c. This Memorandum of Understanding may be modified or terminated upon mutual agreement of the parties hereto by giving thirty (30) days written notice to all the parties signatory to this agreement. The Bureau and the State will jointly pursue legislation to implement the provisions of this agreement. If Congress fails to enact legislation approving the provisions of this agreement, then this agreement shall become null and void.

Signed by:

Bureau of Reclamation; B.E. Martin, Regional Director, Missouri Basin Region. Date: Dec. 17, 1987.

Fish and Wildlife Service; Galen L. Buterbaugh, Regional Director, Region 6. Date: Dec. 17, 1987.

State of Kansas; Robert L. Meinen, Secretary, Department of Wildlife and Parks. Date: Dec. 17, 1987.

Cedar Bluff Irrigation District; Millard Moore, President. Date: Dec. Dec. 17, 1987.

Witnessed by:

Mike Hayden, Governor, State of Kansas. Date: Dec. 17, 1987.

LEGISLATION TO ALLOW INSPECTORS GENERAL TO SUBPOENA TESTIMONY

(Mr. LANCASTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANCASTER. Mr. Speaker, today, along with seven of my colleagues, I am introducing legislation that allows inspectors general to subpoena testimony. The bill will provide a needed authority to facilitate investigations of fraud against the United States.

During a recent Armed Services Committee hearing, the Defense Department inspector general stated that lack of testimonial subpoena power is a major impediment to investigations into fraud in defense contracting. We believe inspectors general need testimonial subpoena power to perform intensive and thorough investigations of fraud against the Government.

Congress established inspectors general to conduct and supervise audits and investigations of internal executive department operations, including alleged malfeasance against the Government. Among the essential investigative tools inspectors general have, codified in the Inspectors General Act of 1978, is the power to subpoena documents.

While the authority to subpoena documents is a necessary requirement for doing productive audits and investigations, it is hardly sufficient. For example, many documents are not self-explanatory. Being able to analyze voluminous arcane accounting documents, such as payment vouchers and internal accounting records, is often necessary in fraud investigations. Fully understanding these documents is difficult, and assistance is hard to obtain when, as it has been reported, companies under investigation threatened to fire employees for voluntarily talking to inspectors general. This difficulty in making sense of documents can seriously hinder investigations.

A second problem with the lack of testimonial subpoena power concerns the need to determine intent in fraud cases. To get people to discuss motives, inspectors general often must go through the time-consuming process of asking a U.S. attorney to issue a subpoena and obtain grant jury time to hear testimony. This stretches our scarce law enforcement resources dedicated to more significant criminal investigations. Even when testimony is taken before a grant jury, discovery rules can prevent the information from being used except in a directly related criminal trial. As a result of these impediments, many smaller cases of fraud are not treated as such. Relatively mild administrative actions are taken, and too few perpetrators receive a convincing message that de-

frauding the Government is a serious offense.

In the past, Congress has provided authority to subpoena testimony in over 60 different statutes to a myriad of Government agencies. In many cases, the power was granted to investigate violations of laws which, at first glance, seem much less serious than those routinely investigated by an inspector general. A few examples of where testimonial subpoena power has been granted follows:

First. The Secretary of Transportation for investigations related to setting bridge tolls.

Second. The Secretary of Agriculture for investigations of the Floral Research and Consumer Information Act.

Third. The Merit Protection Board to investigate political activities of certain State and local employees.

It is amazing that, in comparison, inspectors general do not have testimonial subpoena power to investigate fraud against the United States.

Our legislation simply amends the Inspectors General Act of 1978 to give inspectors general the same subpoena power to obtain testimony that they now have to obtain documents. It is time we give all inspectors general the full authority they need to get at the root of the problems we expect them to investigate.

AMERICAN FAMILY ACT

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, I will soon be introducing the American Family Act. Originally I intended to introduce this important package of family bills today but have been slightly delayed as we consider some important additional pieces of legislation relating to strengthening America's families.

In my capacity as the ranking member on the Select Committee on Children, Youth, and Families I have witnessed firsthand the problems faced by today's families. The Family Act is a comprehensive attempt to strengthen families, build character and increase individual responsibility. These proposals would encourage local initiatives in an effort to build solutions from the ground up.

The American Family Act offers innovative approaches to the issues of education, "at risk" children, and family stability.

I believe that my colleagues on both sides of the aisle have a firm commitment to the future of the American family. In the near future we will be introducing this act which I believe offers an exciting way to forward our commitment to family, and I invite the support of my colleagues for this package of family legislation.

ANTI-SEMITIC BUSH STAFF

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, over the last few days six Bush campaign aides, including the deputy chairman of the Republican National Committee, have resigned amid revelations of a variety of anti-Semitic activities.

The American people deserve an explanation from GEORGE BUSH as to how these people came to have such responsible positions in his campaign.

Although Mr. BUSH and his spokesmen deny the allegations, the evidence is clear that Frederic V. Malek, who was appointed recently to the RNC by BUSH, combed personnel files at the Bureau of Labor Statistics in 1971 under orders from President Nixon in an effort to identify an alleged Jewish "cabal."

And the evidence is clear that five members of BUSH's ethnic coalition had ties to anti-Semitic Nazi or Fascist organizations.

Why hasn't GEORGE BUSH stood up and criticized anti-Semitic activities that are illegal and immoral, like Nixon's attempt to purge Jews from BLS?

Why hasn't GEORGE BUSH condemned the affiliations of his five ethnic committee aides?

I have known GEORGE BUSH for more than 20 years and he is a decent man.

But the most basic and troubling questions remains—how did these six men with anti-Semitic ties and deeply held views end up as top level aids on his campaign staff?

MICHAEL DUKAKIS AND THE ACLU

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, a curious thing is happening during these Presidential campaigns, and that is when the Vice President of the United States attempts to articulate the record and even utilize the words previously expressed by the Democratic nominee, Governor Dukakis, he is criticized for somehow running a tough campaign or an unfair campaign.

One example of that is his repeating the quote of Michael Dukakis that Michael Dukakis prides himself on being "a card-carrying member of the ACLU," the American Civil Liberties Union. That is his right. Members of Congress may belong, individual citizens may belong, and thus they have the right to set their own agendas.

The question is whether the American people want the ACLU agenda to be their agenda when they are dealing with law enforcement issues. That is a

very important question because, we have been forced to deal, over the last number of years, to only during election periods, with tough law enforcement questions. It is only at such times when we are allowed to have an opportunity to vote on the floor that we find that the American people as represented by their Representatives here in the House vote for the death penalty, vote for an exclusionary rule exception, vote for denial of bail to those who have proven to be dangerous to themselves and others. Yet all of those positions are rejected by the ACLU.

The question is, If we had a President of the United States dedicated to the ACLU position on all of those issues, would we ever have legislation of that sort being signed into law? The fact of the matter is with Michael Dukakis as President, we never would have that type of legislation signed into law.

MICHAEL DUKAKIS SUPPORTS SDI—I THINK

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, some of us are confused by Governor Dukakis' record on the strategic defense initiative. Some comments he made recently on the strategic defense initiative in his single press conference may be a reason for that confusion.

He said first: "I have said repeatedly and consistently that I am for continued research." So he was for SDI. But then he said, "I don't believe that we ought to commit ourselves to billions for this system and to the testing and deployment of the system which would be illegal under the ABM Treaty." So then he was against it.

But then again he said, "If I made the judgment and if Congress made the judgment that it was essential to our national security, then obviously we'd proceed with it." So he was for it.

Then he said, "Well, obviously, we're not going to test and deploy if it's a violation of the treaty." So he is against it again.

But then he said, "We always have to be ready for other contingencies. And that's the reason for continuing to do research, which is appropriate and legal under the treaty."

So he ended up for it, I think.

THE SENATE SHOULD MOVE QUICKLY TO APPROVE SOUTH AFRICA SANCTIONS LEGISLATION

(Mrs. COLLINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS. Mr. Speaker, the Senate Committee on Foreign Relations this morning voted out S. 2756, legislation to stiffen United States sanctions against the racist, repressive regime in South Africa. This action represents a major step that the United States is taking to back up its claim as the defender of freedom and democracy in the global arena. I commend my colleagues in the Senate for their action and call upon the distinguished Senate majority leader to immediately take up this measure.

Mr. Speaker, I want to stress to Members on both sides of the aisle the importance of this issue to America, not just black America, but to all Americans who value life, freedom and justice. As the session draws to a close, determining the legislative calendar becomes far more difficult.

The issue of South Africa is also a priority for the Democratic Party as pledged during its convention. I strongly urge the Senate leadership to bring S. 2756 to the floor for a vote and secure the safe passage of this critical measure.

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NO GRAIN EMBARGO PLEDGED FOR AMERICAN FARMERS

(Mr. WEBER asked and was given permission to address the House for 1 minute.)

Mr. WEBER. Mr. Speaker, there was ominous news for America's farmers this weekend. The Governor of Massachusetts delivered a speech to the Council on Foreign Relations in Chicago. In that speech he outlined the strategy for using economic sanctions against the Soviet Union.

Mr. Speaker, the farmers in my part of the country remember that the last Democratic President, also a Governor, with no foreign policy experience, did just that. He imposed the devastating grain embargo. It did not hurt the Russians very much, but it sure hurt the American farmer.

Also over the weekend, Mr. Speaker, Vice President BUSH in a speech in Missouri pledged no grain embargo in a Bush administration. That is a pledge President Reagan made and kept, and it is a pledge Vice President BUSH will keep when he is elected President.

It is time for Governor Dukakis to follow the Vice President's lead and take that pledge, the pledge for no grain embargoes. The American farmers did not like the Carter embargo, and they will not risk a Dukakis embargo.

MEMBERS URGED TO VOTE FOR FEDERAL PRISON INDUSTRIES REFORM ACT OF 1988

(Mr. KASTENMEIER asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, later this afternoon, the House will be called on to vote on the Federal Prison Industries Reform Act of 1988. This was a bill called up under suspension yesterday. The reason is that there is a crisis in the Federal prisons.

Six years ago we had 24,000 inmates. Today we have 44,000. In a few years, we will have 64,000, or perhaps even double. The reason for it is obvious. We are passing a drug bill which will increase the number in prisons. We have passed other bills in recent years which have upgraded enforcement, and increased the number of inmates in Federal prisons.

Now, this bill enables UNICOR, the Federal prisons industry, to borrow money to expand its activities, to provide meaningful work for the drastically increased Federal prison population.

We have an alternative. We could appropriate money. We have consulted with private industry, and this is supported by the administration, overwhelmingly by the Judiciary Committee, and I would like to know if anybody has another idea of how to provide meaningful work for our increased prison population, other than prison industries. We have to go forward. I urge the support of the Members.

THE RETURN OF THE HONORABLE FLOYD SPENCE

(Mr. SPENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SPENCE. I appreciate being allowed to address my dear colleagues and those present for 1 minute. This has to be one of the most emotional times of my life. I have never, in my 18 years here, experienced anything like this. I genuinely appreciate my colleagues, on both sides of the aisle, allowing me to return to this body and being greeted in this way. Beyond that, to lead in a Pledge of Allegiance to the flag of our great country, that is something very meaningful, too.

I hope I can say a few words without being too emotional because you must understand what an impact this occasion has had upon me. When I left here a few months ago, I was on oxygen supplied from outside sources, 24 hours a day, and I was in a wheelchair. Many of you saw me out here in the Speaker's lobby, and came by and spoke to me, not realizing I had oxygen being fed to me under my shirt, which was buttoned up. And you did not realize that I had the portable oxygen tank in a wheelchair behind me. And my assistant, Caroline Bryson, took me back and forth in a wheelchair.

It took me hours to get ready in the morning in the apartment. I had a very difficult time, doing simple things. I went through an experience that I never thought possible before, and I hope and pray that none of you have to go through it. I just told my Maker that it was up to Him. I told Him I could not handle it, it was too big for any of us human beings. The one who has control of all our destinies saw fit to leave me here, for some reason, when so many others in my condition have gone before me. If this is not a miracle, I don't know what you would call it. People all over this Nation of yours reacted in an unbelievable way: prayer groups contacted me, schoolchildren and others pulling for me and others telling me they have been encouraged with their physical problems because of my experience. And then being allowed a new life without the aid of anything like I left here with, to be greeted by my friends like Congressman MONTGOMERY, a Democrat, and other colleagues, Democrats and Republicans alike, in a genuine way. It cannot be explained.

All I want to say is, we have a natural, untapped resource in Mississippi. Their medical university has succeeded when no one else has, with the divine hand of God intervening. I am not ashamed to admit that God is responsible, working through a transplant team of experts led by Dr. Shashidri Raju.

People tell me about the courage that it took for me to go through with the operation. That is not it. It is my Maker who made these things possible. I cannot control anything, and neither can you. So, whatever comes from this, I give complete credit to God, and I hope to be able to tell others of these matters in the remaining years of my life.

Thank you, all of you, for your interest, your prayers and your kind reception this morning. I hope and pray you never have to go through this, and I hope God looks favorably on all of you, for the way you have received me. Thank you very much.

WELCOME BACK, MR. SPENCE

(Mr. GRAY of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAY of Illinois. Mr. Speaker, I rise as a neighbor and friend of FLOYD SPENCE to say that what we have seen here today is a living miracle. There have been a large number of people that have survived a one-lung transplant, but FLOYD has survived a double-lung transplant, and I just wanted him to know that, as a neighbor, that we love him, and we are tickled to death to have him back in such good health and those of us on this

side of the aisle want to salute FLOYD SPENCE and say welcome back, FLOYD.

DUKAKIS EMPHASIZES NATIONAL SECURITY POLICY

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, this morning at Georgetown University, Governor Dukakis gave a very important speech on national defense and national security policy.

In that speech, Governor Dukakis emphasized his support for strategic modernization for the D-5 missile, the stealth bomber, the advanced cruise missile, and he also again talked about the Strategic Defense Initiative, and the necessity for continuing to fund that program, but only in terms of the ABM agreement, keeping it consistent with the ABM agreement, and I think that is the right policy for our country.

He also emphasized his support for strengthening our conventional forces, and the need for a vigorous approach to arms control, both on the strategic and on the conventional side. He also attacked the failure of the Reagan administration to properly manage the billions that Congress has provided for our national defense and national security.

As someone who served on the Defense Committee, Defense Subcommittee, of the House Appropriations Committee, I can tell you, I don't believe we are getting a dollar's worth of defense for the money we are investing.

So, I would hope that my colleagues would have an opportunity to review this speech. I think it answers many of the questions that have been raised about the Governor's position on defense issues.

CONFERENCE REPORT ON H.R. 4586, MILITARY CONSTRUCTION APPROPRIATION, 1989

Mr. HEFNER. Mr. Speaker, I call up the conference report on the bill (H.R. 4586) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes.

The Clerk read the title of the bill. The SPEAKER pro tempore (Mr. VOLKMER). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 9, 1988.)

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. HEFNER] will be recognized for 30 minutes and the gentleman from California [Mr. LOWERY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. HEFNER].

GENERAL LEAVE

Mr. HEFNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report and the amendments in disagreement on the bill, H.R. 4586, and that I may include extraneous and tabular material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HEFNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report we present to the House today for military construction and family housing contains agreements on 350 line items which are represented by 46 Senate amendments. We have one amendment in true disagreement that relates to the deactivation of a tactical fighter wing at Nellis Air Force Base, NV.

Mr. Speaker, before I continue, I would like to take this time to thank the ranking minority member of the Military Construction Subcommittee, Mr. LOWERY, for his cooperation and his diligence all year so we can be here today to present this conference report to the House. I also want to thank other members of the subcommittee and especially our committee chairman, JAMIE WHITTEN who helped us get this bill through the House and through conference.

Mr. Speaker, the conference agreement on H.R. 4586 that we are presenting to the House today provides for \$8,797 million for both military construction and family housing. Not included in this bill is a prior year appropriation of \$214 million for fiscal year 1989, which, when added to the bill, amounts to \$9 billion. The combined total, which is used for score-keeping purposes, is \$900,000 under the President's request and right at our section 302(b) allocation for budget authority. The bill is also under our section 302(b) allocation for outlays by about \$5 million.

We have one item in true disagreement that relates to deactivation of the 47th Tactical Fighter Wing at Nellis Air Force Base. The Senate amendment would prohibit the use of military construction funds to implement the deactivation plan. I will offer a motion at the appropriate time to insist on the House position which would strike the prohibition.

Mr. Speaker, this bill represents a bipartisan effort to fund the highest priority projects. There are new initiatives in the bill; however over 60 percent of the bill is for revitalization projects for a defense plant that is valued at about \$500 billion and averages about 50 years in age.

As long as the national policy is to maintain an All-Volunteer Force, quality of life projects such as barracks, housing, and child care centers, must be provided to keep the top performers in the service. This bill gives priority to those type programs.

In terms of the reductions in this bill, most of the cuts were made to overseas projects. As an offset to overseas reductions, the conference agreement provides \$71 million to pay for shortfalls caused by foreign currency fluctuation.

Mr. Speaker, as Members know, the Defense authorization bill has not become law. So, technically funds for projects in this appropriations bill cannot be obligated until an authorization bill becomes law. We see no reason to await the authorization measure since the committee has basically complied with the military construction authorization conference agreement in the vetoed bill. I would further note that military construction was not at issue in the vetoed measure.

Mr. Speaker, I include in the RECORD at this point a narrative of the major features of the bill along with a comparative tabulation of the conference agreement.

OTHER FEATURES OF H.R. 4586—MILITARY CONSTRUCTION AND FAMILY HOUSING BILL

CHEMICAL DEMILITARIZATION

Funding of the requested \$49.6 million for a demilitarization facility at Tooele Army Depot, Utah, has been provided. In addition the Department was directed to begin design for construction of a full-scale cryofracture plant.

LIGHT INFANTRY DIVISION

Funding in the amount of \$63 million has been provided for projects at Fort Wainwright and Fort Richardson, Alaska.

HONDURAS

Funding of \$3.05 million has been provided for replacement of "Cat" huts and construction of new dining and latrine facilities at Palmerola Air Base, Honduras. However funds have been "fenced" pending certification by the next administration.

STRATEGIC HOMEPORTING

Funding in the amount of \$172.7 million has been provided for 8 of the 9 strategic homeporting sites, which amounts to a net reduction of \$18.1 million from the President's request.

NAVAL SUBMARINE BASE—KINGS BAY

Funding in the amount of \$56.3 million is provided for the naval submarine base at Kings Bay, GA., consistent with the President's request.

RELOCATION OF THE NAPLES COMPLEX

Funding of \$21.6 million has been provided for relocation of a portion of the Navy complex at Agnano, Italy to Capodichino Airport, Italy. The relocation represents a savings of about \$150 million from the Navy's original plan to move to Capua, Italy.

BURDENSARING INITIATIVES

The conferees have agreed that no military construction funds shall be used to effect the relocation of the 401st Tactical

Fighter Wing from Torrejon, Spain to Italy, except for NATO infrastructure funds.

MX RAIL GARRISON

No funds were provided for the MX rail garrison at F.E. Warren ARB pending a decision on system deployment by the Congress and by the next administration.

INSTALLMENT PURCHASE FOR FAMILY HOUSING

The conferees continue to stress the importance of installment purchase as a more viable option over build-to-lease housing. Installment purchase is estimated to be more

economical by 10 to 15 percent over leasing because of the residual value of ownership. However the administration has refused to initiate such a program because of a technicality in scorekeeping. Therefore, the conferees have agreed to direct the Department to initiate a pilot program for fiscal year 1990.

COAST GUARD SHORE FACILITIES

The conferees agreed to funding \$50.3 for Coast Guard shore facilities on a one time basis. The conferees agreed to this in order to provide budget room in the transitional

bill to fund Coast Guard programs more directly related to drug interdiction programs.

COMPARISONS WITH BUDGET RESOLUTION

[In millions of dollars]

	Discretionary	Mandatory	Total
Sec. 302(b):			
Budget authority.....	8,797	214	9,011
Outlays.....	7,944	127	8,071
This bill:			
Budget authority.....	8,797	214	9,011
Outlays.....	7,938	127	8,065

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

	FY 1988 Enacted	FY 1989 Estimate	House	Senate	Conference
Military construction, Army.....	977,590,000	930,300,000	877,630,000	924,551,000	927,292,000
Rescission.....	-34,800,000				
Subtotal, Army.....	942,790,000	930,300,000	877,630,000	924,551,000	927,292,000
Prior year advance appropriation.....	221,000,000	214,000,000	214,000,000	214,000,000	214,000,000
Total, Army.....	1,163,790,000	1,144,300,000	1,091,630,000	1,138,551,000	1,141,292,000
Military construction, Navy.....	1,417,311,000	1,611,200,000	1,591,850,000	1,515,018,000	1,576,516,000
Rescission.....	-26,200,000				
Total, Navy.....	1,391,111,000	1,611,200,000	1,591,850,000	1,515,018,000	1,576,516,000
Military construction, Air Force.....	1,241,254,000	1,300,600,000	1,293,406,000	1,240,387,000	1,225,926,000
Rescission.....	-24,800,000				
Total, Air Force.....	1,216,454,000	1,300,600,000	1,293,406,000	1,240,387,000	1,225,926,000
Military construction, Defense agencies.....	558,446,000	712,000,000	777,500,000	537,972,000	679,533,000
Rescission.....	-7,200,000		-29,548,000		-19,548,000
Total, Defense agencies.....	551,246,000	712,000,000	747,952,000	537,972,000	659,985,000
North Atlantic Treaty Organization Infrastructure.....	381,000,000	502,100,000	502,100,000	492,000,000	492,000,000
Rescission.....	-8,000,000				
Total, NATO Infrastructure.....	373,000,000	502,100,000	502,100,000	492,000,000	492,000,000
Military construction, Army National Guard.....	184,405,000	138,300,000	163,500,000	246,914,000	229,158,000
Rescission.....	-2,500,000				
Total, Army National Guard.....	181,905,000	138,300,000	163,500,000	246,914,000	229,158,000
Military construction, Air National Guard.....	151,291,000	147,500,000	152,170,000	179,228,000	158,508,000
Rescission.....	-3,500,000				
Total, Air National Guard.....	147,791,000	147,500,000	152,170,000	179,228,000	158,508,000
Military construction, Army Reserve.....	95,100,000	79,900,000	81,702,000	87,303,000	85,958,000
Rescission.....	-1,800,000				
Total, Army Reserve.....	93,300,000	79,900,000	81,702,000	87,303,000	85,958,000
Military construction, Naval Reserve.....	73,737,000	48,400,000	54,400,000	72,075,000	60,900,000
Rescission.....	-1,200,000				
Total, Naval Reserve.....	72,537,000	48,400,000	54,400,000	72,075,000	60,900,000
Military construction, Air Force Reserve.....	79,300,000	58,800,000	65,800,000	72,675,000	70,600,000
Rescission.....	-2,000,000				
Total, Air Force Reserve.....	77,300,000	58,800,000	65,800,000	72,675,000	70,600,000
Total, military construction (net).....	5,268,434,000	5,743,100,000	*5,744,510,000	5,582,123,000	5,700,843,000
Appropriations.....	(5,159,434,000)	(5,529,100,000)	(5,560,058,000)	(5,368,123,000)	(5,506,391,000)
Rescission.....	(-112,000,000)		(-29,548,000)		(-19,548,000)
Prior year advance appropriations.....	(221,000,000)	(214,000,000)	(214,000,000)	(214,000,000)	(214,000,000)
Family housing, Army:					
Appropriation.....	1,561,011,000	1,528,271,000	1,510,371,000	1,510,102,000	1,527,602,000
Rescission.....	-20,300,000				
Net.....	1,540,711,000	1,528,271,000	1,510,371,000	1,510,102,000	1,527,602,000
Portion applied to debt reduction.....	-2,746,000	-371,000	-371,000	-371,000	-371,000
Subtotal, family housing, Army.....	1,537,965,000	1,527,900,000	1,510,000,000	1,509,731,000	1,527,231,000
Family housing, Navy and Marine Corps:					
Appropriation.....	767,942,000	795,428,000	795,428,000	764,433,000	799,169,000
Rescission.....	-9,200,000				
Net.....	758,742,000	795,428,000	795,428,000	764,433,000	799,169,000
Portion applied to debt reduction.....	-1,801,000	-128,000	-128,000	-128,000	-128,000
Subtotal, family housing, Navy and Marine Corps.....	756,941,000	795,300,000	795,300,000	764,305,000	799,041,000
Family housing, Air Force:					
Appropriation.....	844,293,000	922,966,000	937,451,000	867,266,000	910,951,000
Rescission.....	-14,700,000				
Net.....	829,593,000	922,966,000	937,451,000	867,266,000	910,951,000
Portion applied to debt reduction.....	-1,433,000	-66,000	-66,000	-66,000	-66,000
Subtotal, family housing, Air Force.....	828,160,000	922,900,000	937,385,000	867,200,000	910,885,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	FY 1988 Enacted	FY 1989 Estimate	House	Senate	Conference
Family housing, Defense agencies	20,700,000	20,700,000	20,700,000	20,700,000	20,700,000
Homeowners Assistance Fund, Defense	2,800,000	2,000,000	2,000,000	2,000,000	2,000,000
Total family housing (budget authority)	3,196,746,000	3,269,365,000	3,265,950,000	3,164,501,000	3,260,422,000
Total rescissions	-44,200,000				
Total portion applied to debt reduction	-5,980,000	-565,000	-565,000	-565,000	-565,000
Total, family housing	3,146,566,000	3,268,800,000	3,265,385,000	3,163,936,000	3,259,857,000
Foreign currency fluctuations, Construction, Defense	85,000,000				
Coast Guard shore facilities				50,300,000	50,300,000
RECAPITULATION					
Total, new budget (obligational) authority (net)	8,279,000,000	8,797,900,000	8,795,895,000	8,582,359,000	8,797,000,000
Appropriations	(8,435,200,000)	(8,797,900,000)	(8,825,443,000)	(8,582,359,000)	(8,816,548,000)
Rescissions	(-156,200,000)		(-29,548,000)		(-19,548,000)
Prior year advance appropriation	(221,000,000)	(214,000,000)	(214,000,000)	(214,000,000)	(214,000,000)
Grand total (incl. adv. approp.)	8,500,000,000	9,011,900,000	9,009,895,000	8,796,359,000	9,011,000,000

Mr. LOWERY of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my friend and subcommittee chairman in bringing to the House floor the conference report on H.R. 5486, making appropriations for military construction for the Department of Defense for fiscal year 1989.

First, I would like to thank the chairman of our subcommittee for his leadership and diligence in bringing this bill to conference. It is because of the gentleman from North Carolina's efforts that we are on the House floor today.

We had over 350 line item differences to iron out, but we are bringing back to the House a conference report which is a good and fair compromise. However, as our chairman pointed out, there is one item in true disagreement on which I join the chairman in asking our colleagues to support the House position.

The total appropriation recommended for this bill is \$9 billion. This is an increase of \$1.1 million over the amount passed by the House in May. It is \$214.6 million over the Senate-passed bill. It is \$900,000 under the President's request and within the 302(b) allocation for both budget authority and for outlays.

Mr. Speaker, the conference agreement provides \$927.9 million for military construction for the Army. Within this amount funding is provided for:

A chemical demilitarization facility at Tooele Army Depot, UT;

The Light Infantry Division at Fort Wainwright and Fort Richardson. In addition, an advance appropriation of

\$214 million is available for Fort Drum, NY;

The upgrade of facilities in Palmerola, Honduras, however, this money may not be obligated until the next administration certifies its position on the need of these activities in Honduras; and

Support facilities for Hohenfels training area in Germany.

For the Navy, the conference agreement has allocated \$1.6 billion for military construction. Within this amount funding is provided for:

The strategic homeporting concept, however, no funds have been provided for homeporting in San Francisco;

The TACAMO mission at Tinker Air Force Base, OK;

Naval Intelligence Command headquarters in Maryland;

The first phase of the relocation of the Naval Support Activity, Naples, Italy; and

To purchase relocatable generators for a powerplant at Subic Bay in the Philippines. However, no projects can be constructed in the Philippines until the Department certifies that based on the base rights negotiations, it is prudent to proceed with construction.

Mr. Speaker, the conference agreement provides \$1.2 billion for military construction for the Air Force. Within this amount, funding is provided for:

The beddown of the advanced technology bomber at Whiteman Air Force Base, MO;

Rebasing of the KC-135;

An independent wind tunnel drive system and a large rocket test facility at the Arnold Engineering Test Facility, TN;

Facilities in support of the over-the-horizon radar (OTH-B) Elmendorf Air Force Base, AK; and

I also would like to note that funding has been deferred for the rail garrison system at F.E. Warren Air Force Base, WY, pending approval on deployment of the system by the next administration and the Congress. In addition, funding for the initial phase of a new Titan IV launch complex at Vandenberg Air Force Base has been deferred due to lack of authorization.

Mr. Speaker, the conferees have designated \$679.5 million for the defense agencies. Within this amount, funding is available for a national test facility for the strategic defense initiative at Falcon Air Station, CO, and funding for medical facilities and schools throughout the world.

Mr. Speaker, the conference agreement provides \$492 million for the U.S. share to the North Atlantic Treaty Organization infrastructure.

Mr. Speaker, there is a total of \$605.1 million in support of the Reserve components, within this agreement. This includes \$229 million for the Army National Guard; \$158.5 million for the Air National Guard; \$85.9 million for the Army Reserve; \$60.9 million for the Naval Reserve; and \$70.6 million for the Air Force Reserve.

Mr. Speaker, the conference agreement provides a total of \$3.3 billion or 37 percent of the total bill, for construction and operation and maintenance of family housing. This includes funding for 3,451 new family housing units, of which 3,103 are to be built in the United States.

In conclusion, I would like to remind my colleagues that while many projects included are important to our national defense, all are important to the men and women of our Armed Forces. Improving how they work and

live as well as fight. The House conferees have done a good job in maintaining the House position and I ask my colleagues to support us on the conference agreement.

□ 1330

Mr. SPEAKER, I reserve the balance of my time.

Mr. HEFNER. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. DICKS], a member of the subcommittee.

Mr. DICKS. Mr. Speaker, I rise in very strong support of this military construction conference report.

Mr. Speaker, I want to commend the chairman and our ranking member for the outstanding leadership that they provided the House on this important legislation.

I also want to say that I believe this subcommittee has two very outstanding staff members who work with both sides of the aisle in a highly constructive way.

I also believe that this bill represents a great emphasis on the needs of the soldier, sailors, marines, airmen who serve our country.

Mr. Speaker, this is a bill that gets down to housing and those kinds of basic issues which are essential to retention, and I want to particularly compliment our chairman for his diligence in making certain that these basic requirements and necessities are taken care of, and I again want to compliment him on his cooperation.

In the State of Washington we have a number of these important facilities. The chairman has been very open to working with us on them, and I just want to say that I thank him for that cooperation.

Mr. HEFNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. WHITTEN], the chairman of the Committee on Appropriations.

Mr. WHITTEN. Mr. Speaker, I appreciate the opportunity to work with the chairman of the Military Construction Subcommittee, Mr. HEFNER, the ranking minority member, Mr. LOWERY, and all the subcommittee members and concur fully with the fine statement made about this subcommittee and their efforts in this bill to see that we take care of national defense at home. After all the support of the people at home is the strongest thing we have in our defense effort. I particularly thank the chairman of this subcommittee, the ranking minority member, and the staff for a job well done.

Sooner or later we have to realize that we have to depend on the National Guard and Reserve. The history of the world shows that is where the strongest base for national defense starts—where they can work and contribute to the economy during the

week and to national defense on the weekends.

Mr. HEFNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada [Mr. BILBRAY] for a colloquy and for a statement he would like to make.

Mr. BILBRAY. Mr. Speaker, the activation of the 474th Tactical Fighter Wing at Nellis Air Force Base had certain report language that was in the authorization bill of the Department of Defense of the Committee on Armed Services. I would like to read that language in at this time and ask the chairman if he agrees with that and would send a letter to the Secretary of the Air Force as to that language.

The committee is concerned about the continued drawdown of force structure within the total Air Force and its impact on readiness. The action to deactivation an entire combat wing at Nellis Air Force Base, Nevada is especially alarming. In connection with the deactivation of the 474th Tactical Fighter Wing, the committee directs the Secretary of the Air Force to retain 18 of the 72 F-16 aircraft at Nellis AFB to modernize an aggressor unit. Six additional aircraft would be retained in support of the Thunderbirds, the U.S. Air Force demonstration team stationed at Nellis.

The committee is also concerned about the impact of the deactivation on military and civilian personnel affected by these actions. To the maximum extent possible, affected civilian personnel should receive priority placement in other available positions for which they qualify at Nellis Air Force Base. Within Air Force guidelines, affected military personnel should be used to fill authorized vacancies in the Nellis area prior to being transferred to other installations.

The committee supports the Secretary of the Air Force's decision to base 5 F-15E aircraft at Nellis Air Force Base for testing and evaluation. Nellis offers some of the best training facilities in the world, and the committee believes that the base should be given strong consideration in looking for future sites to test new and advanced aircraft.

At present, no Air National Guard unit is located in southern Nevada. The committee, therefore, directs the Commander in Chief of the National Guard Bureau to study the feasibility of establishing an Air Guard unit in southern Nevada, and report the findings to the Committees on Armed Services of the Senate and House of Representatives by March 1, 1989.

To the chairman: Is this agreeable, and would he direct the letter to the Secretary of the Air Force?

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, I fully agree with the concern of the gentleman from Nevada [Mr. BILBRAY] involving deactivation of the 474th Tactical Fighter Wing. This is report language that was included in the authorization report.

I will communicate my approval to the Secretary of the Air Force.

Mr. MATSUI. Mr. Speaker, today we have the opportunity to act on an important piece of legislation. Before us we have the Senate-House conference report on military construction appropriations for the fiscal year 1989. This bill addresses many important projects, including the need for proper housing for members of our armed services. Moreover, this legislation provides necessary funds to construct military facilities which help to ensure that the national security of the United States is maintained.

This bill also contains a provision which is very important to the Sacramento area. The California National Guard has proposed the relocation of the 149th Combat Communications Unit and the 162d Combat Communications Group to Mather Air Force Base in Sacramento. The present facility, at McClellan Air Force Base in North Highland, CA, no longer has adequate space available for the supplies, training facilities, and administrative services needed for the combat groups. The relocation of the 149th and 162d Combat Communications Units to Mather Air Force Base will allow the California Army National Guard to continue their role in support of National Guard missions.

Mr. Speaker, this is indeed an important piece of legislation. Our armed services personnel both home and abroad deserve quality housing. Further, this bill provides for measures designed to increase the efficiency and effectiveness of our army services and for these very important reasons, I urge my colleagues in both Houses to vote for its passage.

Mr. CONTE. Mr. Speaker, I want to take this opportunity to recognize the good work that the gentleman from North Carolina and chairman of the subcommittee, BILL HEFNER, has done in this conference. In cooperation with the gentleman from California and ranking member, Mr. LOWERY, and the other House managers they have worked out a compromise that will provide the bricks and mortar for our national security for fiscal year 1989.

There was a lot of give and take but in the end our managers have come up with a conference report that works within the framework of last year's budget summit numbers.

Mr. Speaker, this is the sixth conference report that we bring to the House floor, for individual approval, within the guidelines of the budget summit agreement of last November.

We are on track for producing the most remarkable record of producing individual appropriations bills in the last quarter of a century. That is only possible because of the dedication and hard work of the members of the committee.

Mr. Speaker, this is the right way to do business. The President has asked us to send down individual bills. The members, including myself, have expressed their disdain for continuing resolutions. My leadership has made it clear they are in favor of individual bills. And we are proceeding down that path.

Furthermore, enactment of this bill will reduce the likelihood of sequestration by an estimated \$44 million.

I want to congratulate the subcommittee chairman, Mr. HEFNER, and the ranking minority member, the very distinguished representa-

tive of San Diego, Mr. LOWERY, for their accomplishment.

Six down and seven to go.

Mr. FAZIO. Mr. Speaker, I rise in strong support of the military construction appropriations bill for fiscal year 1989. I would first like to commend my chairman, Mr. HEFNER, Senator SASSER, and the ranking minority members, Representative BILL LOWERY and Senator ARLEN SPECTER for crafting a bipartisan and fiscally responsible bill. The conference committee has managed to draft a bill which meets the budget summit agreement of last fall and is less than the President's request. I would also like to thank the professional staff for their invaluable assistance.

As a conferee to the bill, I would like to take this opportunity to reiterate my support on several issues which we addressed this fiscal year.

First, I am pleased that the Senate accepted the House position to defer all funding for the MX rail garrison system until its deployment is approved by the next administration and Congress.

Second, I support the requirement of a report by the Department of Defense on the planned future uses of cruise missiles and Pershing II bases which will be vacated under the INF Treaty.

Third, the conferees are committed to a more equitable distribution of our defense burden among our allies. Defense spending as a percentage of the gross national product in the United States is almost 7 percent while the NATO allies average about 3.3 percent. I understand that this figure does not recognize other nonnumerical contributions by our allies, yet this is an indicator of the need for more fairness in providing mutual defense in these austere times.

Fourth, I want to again express the concern of the conferees about the lack of a strong physical plant revitalization program. The average age of our buildings is 50 years. There is a clear need to replace our existing facilities. However, the budget as proposed would equate to a facility replacement rate of more than 100 years. I believe that without adequate funding our buildings will deteriorate beyond all repair thus impacting productivity and quality of life.

The final issue I would like to bring to the attention of my colleagues is the need to replace the dilapidated World War II vintage barracks. Almost 245,000 service members reside in these insufficient housing units. At a time when recruitment and retention is a priority, it is imperative that our service men and women live in quality housing thus encouraging reenlistment.

The military construction bill appropriates a total of \$8.8 billion for military construction—\$5.5 billion—and family housing—\$3.3 billion—in fiscal year 1989. The recommendations in this bill are consistent with the overall program level of the House authorization bill for military construction.

The committee has developed a bill which enhances both readiness and quality of life programs. I urge support of the bill.

Mr. DORGAN of North Dakota. Mr. Speaker, I rise in support of the conference report accompanying H.R. 4586, military construction appropriations for fiscal year 1989. In so

doing, I also wish to commend the chairman of the subcommittee, Mr. HEFNER, for his distinguished leadership on this bill.

The bill trims about \$900,000 million from the President's budget request for military construction. I believe that the committee has made some tough, but wise, choices in achieving these reductions. The committee has properly insisted on the House positions on NATO burden sharing and relocation costs for the 401st Tactical Fighter Wing. The House directed that European members of NATO accelerate their payments for NATO infrastructure programs and that they alone absorb and share relocation costs for moving a tactical fighter wing from Spain to Italy. Without question, we must insist that our NATO partners shoulder an increasing share of collective defense costs, even as we recognize the need to consult more closely with our allies on issues of common concern.

May I also point out to my colleagues that the conference report includes funding for a National Guard armory in Minot, ND. These funds will help to implement the agreement in last year's Defense authorization bill, which provided for an increased National Guard role in North Dakota. The city of Minot takes great pride in its enthusiastic support of both the National Guard and the U.S. Air Force. With such support, it comes as no surprise that Minot Air Force Base was recognized this year as the outstanding base in the entire Air Force. I expect that a new armory will help to promote even greater performance by local Guard units, too.

This bill further includes funding for aerospace medicine research at the University of North Dakota. The university's Center for Aerospace Science is a national leader in aviation education and aerospace science. The provision in the bill will facilitate research on aerospace medicine in response to requests from the Air Force, the National Institutes of Health, NASA, and other Federal agencies. The school is uniquely positioned to carry out this mission, since it is located only a few miles from a major Strategic Air Command facility, the Grand Forks Air Force Base.

Mr. KOLBE. Mr. Speaker, as a member of the Military Construction Subcommittee I rise in support of the conference report on H.R. 4586.

Mr. Speaker, this conference report concurs with the position of the House on most of the major issues. It's not a perfect piece of legislation, but overall, it's a good bill.

I have one major concern about this bill which touches the very heart of one of the major legislative issues of this year: the war on drugs and who is going to pay for it. I represent a district which borders on Mexico and I know well the problem of drugs flowing unchecked across our borders. I am second to none in this body in my concern for the poisoning of our children's minds by drugs. However, I have deep reservations about the trend that is being set this year—that of expecting the Department of Defense to pay for other department's work in the war on drugs. In this conference report we have accepted a Senate provision forcing the Department of Defense to spend over \$50 million to make capital improvements for the U.S. Coast Guard. This doesn't belong in this bill; it should be in the

Department of Transportation appropriations bill.

The conference report also includes a Senate provision forcing the Air Force to design a hangar for the exclusive use of the Customs Service at Davis-Monthan Air Force Base in my district. Obviously, I would like to see this hangar built. It is important for the Customs Service and it will help enormously in the war on drugs. However, I cannot support forcing the Air Force to pay for a hangar that will be used exclusively by the Customs Service.

I object to these tactics. I object to the assumption that the Department of Defense milcon budget can become the capital improvements budget for the entire Federal Government. We have precious few resources devoted to military construction as it is. My continuing frustration with this issue is that our subcommittee is not allocated sufficient funds to modernize our facilities at an efficient rate. The total defense budget for this year is \$299 billion; only 3 percent or \$8.8 billion is allocated for military construction this year. It is impossible to replace and renovate our military facilities at an efficient rate on such a small wedge of the defense pie.

My colleagues on the subcommittee and I have often remarked that if any business spent such a small portion of their budget on their physical plant, their buildings and facilities would soon collapse. It is ridiculous that we routinely expect our military personnel to live and work in outdated, often dangerous, buildings. The outcome of our policy on military construction is obvious when you visit our military facilities and see so-called temporary buildings constructed during World War II still in use.

And yet, despite the terrible working and living conditions on many of our bases here and abroad, we now expect the Department of Defense to underwrite capital improvements for the entire Federal Government. Some people say, "Well, the Department of Defense has billions and billions of dollars in its budget—they can afford this piddling little \$4 or \$5 million item." In the case of this bill we are talking about \$50 million. That's roughly one-seventh of the entire Coast Guard construction budget that we are funding in the Department of Defense bill. It isn't right, Mr. Speaker, and I strenuously object to it in principle.

As we adopt this conference report, I urge all my colleagues to think about this issue: Who is going to pay for the war on drugs? Congress will have to give some real answers to this question. I hope the leadership and the authorizing committee still give this matter the serious consideration it deserves in the 101st Congress.

Mr. LOWERY of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HEFNER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The **SPEAKER** pro tempore (Mr. **VOLKMER**). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. **LOWERY** of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 386, nays 26, not voting 19, as follows:

[Roll No. 310]

YEAS—386

Akaka	Craig	Hamilton
Alexander	Dannemeyer	Hammer
Anderson	Darden	Hansen
Andrews	Daub	Harris
Annuzio	Davis (IL)	Hastert
Anthony	Davis (MI)	Hatcher
Applegate	de la Garza	Hawkins
Archer	DeLa	Hayes (LA)
Aspin	Derrick	Hefley
Atkins	DeWine	Hefner
AuCoin	Dickinson	Herger
Baker	Dicks	Hertel
Ballenger	Dingell	Hiler
Bartlett	DioGuardi	Hochbrueckner
Barton	Dixon	Holloway
Bateman	Donnelly	Hopkins
Bates	Dorgan (ND)	Horton
Bellenson	Dornan (CA)	Houghton
Bennett	Dowdy	Hoyer
Bentley	Downey	Hubbard
Bereuter	Durbin	Huckaby
Berman	Dwyer	Hughes
Bevill	Dymally	Hunter
Bilbray	Dyson	Hutto
Bilirakis	Early	Hyde
Billey	Eckart	Inhofe
Boehlert	Edwards (CA)	Ireland
Boggs	Edwards (OK)	Jacobs
Boland	English	Jeffords
Bonior	Erdreich	Jenkins
Bonker	Espy	Johnson (CT)
Borski	Evans	Johnson (SD)
Bosco	Fascell	Jones (TN)
Boucher	Fazio	Jontz
Boulter	Feighan	Kanjorski
Boxer	Felds	Kaptur
Brennan	Fish	Kasich
Broomfield	Flake	Kastenmeier
Brown (CA)	Filippo	Kemp
Brown (CO)	Florio	Kennedy
Bruce	Foglietta	Kennelly
Bryant	Foley	Kildee
Burton	Ford (MI)	Kolbe
Bustamante	Ford (TN)	Kolter
Callahan	Frank	Konnyu
Campbell	Frost	Kostmayer
Cardin	Galleghy	Kyl
Carper	Gallo	LaFalce
Carr	Gaydos	Lagomarsino
Chandler	Gejdenson	Lancaster
Chapman	Gephardt	Lantos
Chappell	Gibbons	Latta
Clarke	Gilman	Leach (IA)
Clay	Gingrich	Leath (TX)
Clement	Glickman	Lehman (CA)
Clinger	Gonzalez	Lehman (FL)
Coats	Goodling	Lent
Coble	Gordon	Levin (MI)
Coeilo	Gradison	Levine (CA)
Coleman (MO)	Grandy	Lewis (CA)
Coleman (TX)	Grant	Lewis (FL)
Collins	Gray (IL)	Lewis (GA)
Combest	Gray (PA)	Lightfoot
Conte	Green	Lipinski
Cooper	Gregg	Livingston
Costello	Guarini	Lloyd
Coughlin	Gunderson	Lott
Courter	Hall (OH)	Lowery (CA)
Coyne	Hall (TX)	Lowry (WA)

Lujan	Pashayan	Smith (NE)
Luken, Thomas	Patterson	Smith (NJ)
Lungren	Payne	Smith (TX)
Madigan	Pease	Smith, Robert
Manton	Pelosi	(NH)
Markey	Penny	Smith, Robert
Marlenee	Pepper	(OR)
Martin (IL)	Perkins	Snowe
Martin (NY)	Petri	Solarz
Martinez	Pickett	Solomon
Matsui	Pickle	Spence
Mavroules	Porter	Spratt
Mazzoli	Price	St Germain
McCandless	Pursell	Staggers
McCloskey	Quillen	Stallings
McCollum	Rahall	Stangeland
McCrery	Rangel	Stenholm
McCurdy	Ravenel	Stokes
McDade	Ray	Stratton
McEwen	Regula	Studds
McGrath	Rhodes	Stump
McHugh	Ridge	Sundquist
McMillan (NC)	Rinaldo	Sweeney
McMillen (MD)	Ritter	Swift
Meyers	Robinson	Swindall
Mfume	Rodino	Synar
Michel	Roe	Tallon
Miller (CA)	Rogers	Tauzin
Miller (OH)	Rose	Taylor
Miller (WA)	Rostenkowski	Thomas (GA)
Mineta	Roth	Torres
Moakley	Roukema	Torricelli
Molinar	Rowland (CT)	Trafficant
Mollohan	Rowland (GA)	Traxler
Montgomery	Roybal	Udall
Moody	Sabo	Valentine
Moorhead	Salki	Vento
Morella	Sawyer	Visclosky
Morrison (CT)	Saxton	Volkmer
Morrison (WA)	Schaefer	Vucanovich
Mrazek	Scheuer	Walgren
Murphy	Schneider	Watkins
Murtha	Schroeder	Weber
Myers	Schuette	Weldon
Nagle	Schulze	Wheat
Natcher	Schumer	Whittaker
Neal	Sharp	Whitten
Nelson	Shaw	Williams
Nichols	Shays	Wilson
Nielson	Shumway	Wise
Nowak	Shuster	Wolf
Oaker	Sikorski	Wolpe
Oberstar	Sisisky	Wortley
Obey	Skaggs	Wyden
Olin	Skeen	Wyllie
Ortiz	Skelton	Yates
Owens (UT)	Slattery	Yatron
Oxley	Slaughter (NY)	Young (AK)
Packard	Slaughter (VA)	Young (FL)
Panetta	Smith (FL)	
Parris	Smith (IA)	

NAYS—26

Ackerman	Fawell	Russo
Army	Frenzel	Savage
Bunning	Gekas	Sensenbrenner
Conyers	Hayes (IL)	Smith, Denny
Crane	Henry	(OR)
Crockett	Leland	Tauke
DeFazio	Lukens, Donald	Upton
Dellums	Owens (NY)	Walker
Dreier	Roberts	Weiss

NOT VOTING—19

Badham	Garcia	Stark
Barnard	Jones (NC)	Thomas (CA)
Brooks	Klecza	Towns
Buechner	Mack	Vander Jagt
Byron	MacKay	Waxman
Cheney	Mica	
Emerson	Richardson	

□ 1355

Mr. **HENRY** changed his vote from "yea" to "nay."

Mr. **TAYLOR** and Mr. **LEVIN** of Michigan changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

AMENDMENTS IN DISAGREEMENT

The **SPEAKER** pro tempore (Mr. **VOLKMER**). The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 1: Page 2, line 4, strike out "\$877,630,000" and insert "\$924,551,000".

MOTION OFFERED BY MR. HEFNER

Mr. **HEFNER**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. **HEFNER** moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following: "\$927,292,000".

Mr. **LOWERY** of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the **RECORD**.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. **HEFNER**].

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 4: Page 2, line 18, strike out "\$1,591,850,000" and insert "\$1,565,318,000: *Provided, however,* That of such funds the \$38,080,000 appropriated for the Tacamo Mission shall not be available for obligation or expenditure before October 15, 1988".

MOTION OFFERED BY MR. HEFNER

Mr. **HEFNER**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. **HEFNER** moves that the House recede from its disagreement to the amendment of the Senate numbered 4 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "\$1,576,516,000 of which amount, \$38,080,000 for the TACAMO mission shall not be available for obligation or expenditure before October 15, 1988, and, of the amount appropriated, funds allocated for homeporting at Everett, Washington may be obligated and expended for any homeporting military construction activity at that installation, except actual dredging and disposal of contaminated sediment, and that such funds may be expended for actual dredging and disposal of contaminated sediments once requirements of the Federal Water Pollution Control Act have been satisfied."

Mr. **LOWERY** of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the **RECORD**.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 7: Page 3, line 2, after "therefor" insert "Provided further, That of this amount, \$50,300,000 shall be available only for construction, rebuilding, and improvement of shore facilities of the United States Coast Guard".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"COAST GUARD SHORE FACILITIES"

"For construction, rebuilding and improvement of shore facilities of the United States Coast Guard, \$50,300,000 to remain available until September 30, 1993".

Mr. LOWERY of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 8: Page 3, line 7, strike out "\$1,293,406,000" and insert "\$1,227,599,800, \$12,800,000 of which shall be available solely for the purpose of the construction of the Unified Transportation Headquarters Building at Scott Air Force Base".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "\$1,225,926,000".

Mr. LOWERY of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be con-

sidered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 22: Page 6, line 22, strike out "\$170,278,000" and insert "\$179,778,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following: "\$197,278,000".

Mr. LOWERY of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 24: Page 6, line 23 strike out "\$1,510,371,000" and insert "\$1,510,102,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following: "\$1,527,602,000".

Mr. LOWERY of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 25: Page 7, line 8 strike out "\$240,440,000" and insert "\$211,445,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following: "\$244,181,000".

Mr. LOWERY of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 27: Page 7, line 9, strike out "\$795,428,000" and insert "\$764,433,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 27 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following: "\$799,169,000".

Mr. LOWERY of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore (Mr. VOLKMER). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 28: Page 7, line 11, after "1993" insert "Provided further, That of this amount, not to exceed \$50,000 shall be available to liquidate obligations incurred for debt payment during fiscal year 1987".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein.

Mr. LOWERY of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 34: Page 15, after line 2, insert:

Sec. 126. None of the funds appropriated in this Act for operations and maintenance of family housing may be used for contract cleaning of family housing units.

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

Sec. 126. Of the funds appropriated in this Act for operations and maintenance of family housing, no more than \$30,000,000 may be obligated for contract cleaning of family housing units.

Mr. LOWERY of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 35: Page 15, after line 2, insert:

Sec. 127. None of the funds appropriated in this Act may be used for the design, construction, operation or maintenance of new family housing units in the Republic of Korea: *Provided*, That funds may be utilized for operations, maintenance, and improvements of only those units already built or under construction by June 6, 1988.

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

Sec. 127. None of the funds appropriated in this Act may be used for the design, construction, operation or maintenance of new family housing units in the Republic of Korea in connection with any increase in accompanied tours after June 6, 1988.

Mr. LOWERY of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 37: Page 15, after line 2, insert:

Sec. 129. None of the funds appropriated in this Act may be obligated or expended for the purposes of transferring any equipment, operation, or personnel from the Edgewood Arsenal, Maryland, to any other facility during fiscal year 1989.

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert the following: "128".

Mr. LOWERY of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 38: Page 15, after line 2, insert:

Sec. 130. None of the funds appropriated in this Act for planning and design activities may be used to initiate design of the Pentagon Annex.

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 38 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert the following: "129".

Mr. LOWERY of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 40: Page 15, after line 2, insert:

Sec. 132. None of the funds appropriated in this Act or any other Act for the National Test Facility or any other components of the National Test Facility may be used to provide any operational battle management, command, control or communications capabilities for an early deployment of a ballistic missile defense system: *Provided*, That the goal of the National Test Bed shall be to stimulate, evaluate, and demonstrate architectures and technologies that are technically feasible, cost-effective at the margin, and survivable.

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 40 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

Sec. 130. None of the funds appropriated in this Act for the National Test Facility or any other components of the National Test Facility may be used to provide any operational battle management, command, control or communications capabilities for an early deployment of a ballistic missile defense system: *Provided*, That the goal of the National Test Bed should be to simulate, evaluate, and demonstrate architectures and technologies that are technically feasible, cost-effective at the margin, and survivable.

Mr. LOWERY of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there any objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment follows:

MOTION OFFERED BY MR. HEFNER

Senate amendment No. 41: Page 15, after line 2, insert:

Sec. 133. None of the funds appropriated in this Act for use by the Department of Defense in fiscal year 1989 may be used for the purpose of the design or construction of any facilities relating, directly or indirectly, to the deactivation, relocation or transfer of any part of the 474th Tactical Fighter Wing at Nellis Air Force Base, Nevada.

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House insist on its disagreement to the amendment of the Senate numbered 41.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. HEFNER] will be recognized for 30 minutes and the gentleman from California [Mr. LOWERY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I move that the House insist on its disagreement to the amendment of the Senate numbered 41.

The SPEAKER pro tempore. The motion is pending. Does the gentleman wish to debate the motion?

Mr. HEFNER. Mr. Speaker, I yield back the balance of my time.

Mr. LOWERY of California. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 45: Page 15, after line 2, insert:

Sec. 137. Such sums as may be necessary for fiscal year 1989 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 45 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

Sec. 131. Such sums as may be necessary for fiscal year 1989 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Mr. LOWERY of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 4782, COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT 1989

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4782) making appropriations for the Department of Commerce, Justice, and State, the Judiciary and related agencies for the fiscal year ending September 30, 1989, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CONTE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4782, be instructed to agree to Senate Amendment numbered 171.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. CONTE] is recognized for 1 hour.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I normally do not offer or even support motions to instruct conferees, as I do not believe we should tie the hands of our own negotiators before a conference even begins.

But these are not normal times.

As we appoint the conferees for the final three appropriations bills here this afternoon, we face a very real danger of sequestration of at least \$10 billion from our national defense and domestic programs.

In a "Dear Sir" letter dated September 8, the director of the Office of Management and Budget warned that we are already within \$400 million of the deficit trigger level for sequestration. And that is before counting the appropriations which would be neces-

sary for the pending antidrug and child care authorization bills, which would add another \$2.7 billion.

When you figure in some technical reductions now anticipated by OMB, the potential Gramm-Rudman-Hollings deficit for fiscal 1989 is \$147.5 billion, or \$1.5 billion higher than the sequestration trigger. And when sequestration comes, the cuts must be made all the way back to a deficit level of \$136 billion, meaning a reduction equally divided between defense and domestic spending of \$11.5 billion.

Quoting from the OMB Director's letter:

With this in mind, I must stress the necessity of finding offsets for additional spending measures such as the drug bill. I must also stress the importance of conference action to restrain individual domestic appropriations bills, many of which exceed their Gramm-Rudman-Hollings baselines.

I agree with Jim Miller, and I will point out that the Senate version of this Commerce, Justice, State, and Judiciary appropriations bill exceeds the baseline by \$274 million. The House bill is slightly below that baseline, but that is only because the House deferred action on all unauthorized programs and assumed funding for these programs at an absolute freeze level. The conferees will be under great pressure to move toward the higher Senate levels.

My motion to instruct may be viewed as merely symbolic, but I believe it is an important symbol to send at this time. The motion instructs the House conferees to agree to a Senate amendment requiring all agencies and Departments funded in the bill to absorb within their appropriated amounts any pay raises which might go into effect in fiscal 1989.

According to the Congressional Budget Office, this Senate amendment will reduce budget authority by \$154 million and outlays—meaning the deficit—by \$124 million. My motion is intended to lock in these savings.

We need to send this message for all of the conferees we are appointing today. Hold the line wherever possible.

I urge your support for the motion.

□ 1445

Mr. Speaker, I yield 10 minutes, for the purposes of debate only, to my good friend, the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague, the gentleman from Massachusetts [Mr. CONTE], for yielding me this time.

This Member from California had a motion to instruct conferees which I would have offered for consideration by the House, but I will be prevented from doing so at this time because a Member senior to me, in this instance a member of the committee, has in effect exercised that opportunity through the medium of filing a motion

to instruct conferees himself. Accordingly, I will be limited to my remarks at this time, and at the conclusion of the consideration of this issue I will ask my colleagues to defeat the previous question so that I will be allowed to offer an amendment to the motion to instruct conferees that is now pending.

My reason for taking this time is to relate to my colleagues what my motion would entail. In 1934 Congress enacted 18 U.S.C. 1464, which prohibits the broadcast of any obscene or profane language by means of radio. In 1978 the U.S. Supreme Court upheld the constitutionality of this act of 1934 in the decision involving *Pacifica*, in the case of *FCC versus Pacifica Foundation*.

In 1987, for reasons that are not entirely clear to this Member, the FCC adopted a regulation whereby indecent broadcasting would be permitted on radio between midnight and 6 a.m. For this purpose, the FCC defined "indecent" as "depicting or describing in terms patently offensive, sexual, or excretory activities and organs."

Now, why in the world the FCC believes that we should be permitting this kind of trash to be on the airwaves of America is beyond my imagination, but that is what they did. Then, in 1988, the radio broadcasters filed a suit against the FCC contending that this definition was unconstitutional, in that it was vague and indefinite as to what was meant by "indecent."

The circuit court of appeals, upheld the regulation of the FCC, but remanded the case to the trial court for determination as to whether or not the hours in which we can have this trash on the airwaves of America were proper. So, at this point I think it is proper that we should set policy in this country. The FCC does not set policy. We have delegated some authority to them, but if it is the policy or the purpose of the FCC to permit indecent language to be disseminated on the airwaves of this country, I think we in Congress, through the medium of this motion to instruct conferees, should say for the American people that we do not want this kind of trash to be disseminated on the airwaves of America.

Bear in mind that 98 percent of American homes have a television. The average American home has five radios. Recent Arbitron ratings from New York, Los Angeles, and Chicago, show that one-third of all children between the ages of 12 and 17 listen to the radio after midnight. Videocassette recorders provide children with delayed access to indecent programming, irrespective of broadcast time. There is no time of the day in which indecent and obscene language can be transmitted without potential exposure to children.

I want to refer back to the decision of the U.S. Supreme Court in 1978 which upheld the constitutionality of the act of Congress in 1934 which bans any obscene, indecent, or profane language by means of radio communication. The U.S. Supreme Court in that decision, based its judgment, affirming the constitutionality of the ban, on the grounds that it is appropriate to safeguard the morality and well-being of youth, and to protect the parental supervision of children. For those two reasons, the constitutionality of the ban of the U.S. Supreme Court was upheld.

I believe that we should, here and now, defeat the previous question so that this Member will be in a position to offer an amendment to this motion to instruct conferees, so that the House will have an opportunity of expressing its will on the issue.

You may recall, Mr. Speaker, that we went through a similar exercise earlier this year in the 100th Congress relating to the point where we got a rollcall vote up or down on the substance of *Dial-a-Porn*. Ultimately, the House prevailed and we voted overwhelmingly to ban *Dial-a-Porn*. We now have a similar issue revisited with respect to the airwaves of this country, and again we have the broadcasters working their way through this process in some means, to prevent this motion that this Member from California seeks to offer to the House for consideration. I do not think we should submit to that kind of pressure. I think we should defeat the previous question, on this motion by my colleague from Massachusetts [Mr. CONTE] so that I will have an opportunity of offering my motion so that Members would then be accountable to their constituents as to whether or not they want to permit the FCC continue with their apparent course of authorizing the use of broadcasting in America for the purpose of disseminating for our children and all of us to hear and see, indecent materials as depicting or describing in terms patently offensive, sexual, or excretory activities and organs.

Why we need this trash on the airwaves of America I will never know, but that is the issue, and I ask for your vote on the motion defeating the previous question.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, ordinarily I oppose motions to instruct, but I think we ought to note the merits of this issue here today. The motion instructs us to agree to something that we are going to have to agree to, in my judgment, and I think it serves a purpose because it points out to the Members the problem we have on this bill. It instructs the conferees to agree to Senate lan-

guage which in effect says they must absorb all of the pay raise that we know is going to come in January and February.

Ordinarily, these agencies would be expected to absorb 22 percent of the pay raise. This means they will absorb the other 78 also. If we don't agree to that, then we are scored in this bill by CBO for \$124 million in outlays that we just simply don't have. We are held in this bill at a freeze level for law enforcement. Now, everybody knows we need more now, everybody knows we need more for law enforcement.

We have had a bill here on the floor for several days now to enhance the war against drugs. Members talk about increasing the penalties for drug law violations so that such offenders have to stay in prison longer. We do not have enough prison beds now. We cannot lock those prisoners up for a longer period. There are not enough prison beds to keep such prisoners for the length of time the law now requires.

There are a number of things in the bill that just cannot be done under the appropriation level that we have been allowed in this year's bill.

Now, the gentleman from California says he wants to add to this very important motion to instruct, very meritorious language that we have to adopt, in my judgment. He wants to add something that does not deal with money at all, but deals with some language in the Senate bill that attempts to deal with pornography, but as a matter of fact, what it does, is to mean there will not be any regulation of indecent language on TV or radio by the FCC.

The court has ruled that with regard to obscene language, that can be regulated 24 hours a day, but to try to regulate, indecent language 24 hours a day is unconstitutional. What the FCC has done is eliminated it 18 hours a day, and are now in the process of determining how they can determine what additional hours it can be regulated or prohibited.

If the motion of the gentleman from California passes, you will not have anything that prohibits indecent language or obscene language, either one. So there will not be any regulation against obscene or indecent language until the matter is cleaned up by the court, probably a year or two from now.

So, a vote against the previous question on the Conte motion at the end of this debate, is a vote for the Danne-meyer motion. What you are voting for when you say that, is you do not want the FCC to have any regulation on either obscene or indecent language. That is what you are voting on. It is just as plain as it can be. I do not disagree with the gentleman's description of the court case. He was pretty

accurate about what he said. But that is the ultimate result of voting for the Dannemeyer motion, is that you do not want anything done about either obscene or indecent language.

Mr. CONTE. Mr. Speaker, I have no further requests for time, and I move the previous question on the motion.

The SPEAKER pro tempore (Mr. VOLKMER). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 204, nays 210, not voting 17, as follows:

(Roll No. 312)

YEAS—204

Ackerman	Evans	Matsui
Akaka	Fascell	Mavroules
Alexander	Fazio	Mazzoli
Anderson	Fish	McCurdy
Annunzio	Flake	McHugh
Anthony	Foglietta	Mfume
Aspin	Foley	Michel
Atkins	Ford (MI)	Miller (CA)
AuCoin	Ford (TN)	Miller (OH)
Bates	Frank	Miller (WA)
Bellenson	Frost	Mineta
Berman	Gaydos	Moakley
Bevill	Gejdenson	Molinar
Boehlert	Gibbons	Mollohan
Boggs	Gillman	Montgomery
Boland	Gonzalez	Moody
Bonior	Gordon	Morella
Bonker	Grant	Morrison (CT)
Borski	Gray (IL)	Morrison (WA)
Bosco	Gray (PA)	Mrazek
Boucher	Green	Murphy
Boxer	Guarini	Nagle
Brennan	Gunderson	Natcher
Brooks	Hatcher	Neal
Brown (CA)	Hawkins	Nowak
Bruce	Hayes (IL)	Oakar
Bustamante	Hertel	Oberstar
Campbell	Horton	Obey
Cardin	Hoyer	Olin
Carr	Hughes	Ortiz
Chappell	Jeffords	Owens (NY)
Clarke	Jenkins	Owens (UT)
Clay	Johnson (CT)	Pease
Clement	Jones (NC)	Pelosi
Coelho	Jones (TN)	Pepper
Coleman (TX)	Kanjorski	Perkins
Collins	Kastenmeier	Pickle
Conte	Kennedy	Porter
Conyers	Kennelly	Quillen
Cooper	Kildee	Rahall
Costello	Kiecicka	Rangel
Coughlin	Kolbe	Robinson
Coyne	Kolter	Rodino
Crockett	Konnyu	Roe
de la Garza	Kostmayer	Rogers
Dellums	LaFalce	Rose
Derrick	Lancaster	Rostenkowski
Dicks	Lantos	Rowland (GA)
Dingell	Leach (IA)	Roybal
Dixon	Lehman (CA)	Russo
Donnelly	Lehman (FL)	Sabo
Downey	Levin (MI)	Savage
Durbin	Levine (CA)	Sawyer
Dwyer	Lewis (GA)	Scheuer
Dymally	Lipinski	Schneider
Early	Lowry (WA)	Schumer
Edwards (CA)	Manton	Sikorski
Edwards (OK)	Markey	Skeen
Espy	Martinez	Skelton

Smith (FL)
Smith (IA)
Solari
Spratt
Staggers
Stallings
Stokes
Stratton
Studds

Andrews
Applegate
Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Blibray
Blirakis
Bliley
Boulter
Broomfield
Brown (CO)
Bryant
Bunning
Burton
Byron
Callahan
Chandler
Chapman
Clinger
Coble
Coble
Coleman (MO)
Combust
Courtner
Craig
Crane
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
DeFazio
DeLay
DeWine
Dickinson
DioGuardi
Dorgan (ND)
Dornan (CA)
Dowdy
Dreier
Dyson
Eckart
English
Erdreich
Fawell
Feighan
Fields
Flippo
Florido
Frenzel
Gallegly
Gallo
Gekas
Gephardt
Gingrich
Glickman
Goodling
Gradison
Grandy
Gregg
Hall (OH)
Hall (TX)
Hamilton

Badham
Barnard
Buechner
Cheney
Emerson
Garcia

Swift
Synar
Torricelli
Traxler
Udall
Vento
Visclosky
Volkmer
Walgren

NAYS—210

Hammerschmidt
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiller
Hochbrueckner
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Johnson (SD)
Jontz
Kaptur
Kasich
Kyl
Lagomarsino
Latta
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lukens, Thomas
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCloskey
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Moorhead
Myers
Nelson
Nichols
Nielsen
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Payne
Penny
Petri
Pickett
Price

NOT VOTING—17

Kemp
Leland
Mack
MacKay
McDade
Mica

Watkins
Waxman
Weiss
Wheat
Whitten
Wilson
Wise
Wolpe
Yates

Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roth
Roukema
Rowland (CT)
Salki
Saxton
Schaefer
Schroeder
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sisisky
Skaggs
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny
(OR)
Smith, Robert
(NH)
Smith, Robert
(OR)
Snowe
Solomon
Spence
St Germain
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tausin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Traficant
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Williams
Wolf
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

SNOWE, Mr. TAUKE, Mr. THOMAS A. LUKEN, Mrs. SCHROEDER, Messrs. SHAYS, McCLOSKEY, HUCKABY, RAY, DORGAN of North Dakota, McMILLEN of Maryland, RICHARDSON, SLATTERY, SKAGGS, CARPER, FEIGHAN, GOODLING, and HOCHBRUECKNER, and Mrs. SLAUGHTER of New York changed their vote from "yea" to "nay."

Messrs. UDALL, BEVILL, and STRATTON changed their vote from "nay" to "yea."

So the previous question was not ordered.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DANNEMEYER TO MOTION TO INSTRUCT CONFEREES ORDERED BY MR. CONTE

Mr. DANNEMEYER. Mr. Speaker, I offer an amendment to the motion to instruct conferees.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER to motion to instruct conferees offered by Mr. CONTE: At the end of the Conte motion, add the following language: That the conferees be further instructed—to agree to the Senate amendment numbered 174, concerning the enforcement of section 1464 of title 18, United States Code.

Mr. DANNEMEYER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. DANNEMEYER] is recognized for 1 hour.

Mr. DANNEMEYER. Mr. Speaker, I do not intend to take the full hour or anything close to it.

I think most of us in the Chamber understand what the issue is. My amendment will instruct the conferees to concur in the Senate amendment, which has the effect of banning indecent material on radio and television throughout the day and the night. It is that simple.

Earlier in this Congress, we voted overwhelmingly to prohibit Dial-a-Porn on the television communication networks of America. Now this presents us with the opportunity of saying with respect to the radio network and the TV network that we are going to have the same policy directed to the FCC. You are not to permit indecent or obscene language on the airwaves of this country at any hour of the day or night. This is what the Senate amendment says. That is what my amendment to the motion to instruct will achieve.

Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Iowa [Mr. SMITH].

□ 1522

Messrs. ST GERMAIN, CHAPMAN, RATEMAN, and YATRON, Ms.

Mr. SMITH of Iowa. Mr. Speaker, I want to point out exactly what we are doing here and the reason I opposed the previous motion that was made.

The Conte motion to instruct the conferees said that we were to agree with the Senate amendment, which provides that they must absorb in these various agencies the pay raise next January and February. It was necessary to do that. It will be necessary to do that in this bill under our limitations.

The gentleman from California wants to add to this instruction and say that the FCC shall promulgate regulations in accordance with section 1464, title 18, United States Code. That section of the Code says that there must be a prohibition on both indecent and obscene language and radio and TV. The court has already ruled there can be a 24-hour prohibition against obscene language, but a 24-hour prohibition against indecent language is unconstitutional. If the FCC develops regulations that are in accordance with that statute, it will not be enforceable. There will be no rule by the FCC that is enforceable, so a vote in favor of this is really a vote in favor of pornography, if that is primarily your consideration.

I will not ask for a recorded vote. I may end up voting for the motion, because I am really for the Conte motion to instruct the conferees on its merits, and both are incorporated in one.

But the fact of the matter is that on the previous vote, a no vote was not having a rule that could be enforced for a whole year on pornography. That is what it was.

Mr. DANNEMEYER. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the amendment.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the amendment and on the motion to instruct conferees.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DANNEMEYER] to the motion to instruct conferees offered by the gentleman from Massachusetts [Mr. CONTE].

The amendment to the motion to instruct conferees was agreed to.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Massachusetts [Mr. CONTE], as amended.

The motion to instruct conferees, as amended, was agreed to.

The SPEAKER pro tempore. The Speaker will appoint conferees when he returns and resumes the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On September 8, 1988:

H.J. Res. 539. Joint resolution designating the week beginning September 18, 1988, as "Emergency Medical Services Week";

H.J. Res. 583. Joint resolution designating the week beginning September 11, 1988, as "National Outpatient Ambulatory Week";

H.R. 2370. An act to provide for the establishment of an economic development plan for, and Federal services and assistance to, the Northwestern Band of the Shoshoni Nation, and for other purposes;

H.R. 3679. An act to clarify the Federal relationship to the Lac Vieux Desert Band of Lake Superior Chippewa Indians as a distinct Indian tribe, to clarify the status of members of the band, to transfer title to trust lands, and for other purposes; and

H.R. 3960. An act to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes.

On September 9, 1988:

H.R. 1841. An act to provide for the establishment of additional safety requirements for fishing industry vessels, and for other purposes;

H.R. 4143. An act to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes;

H.R. 4318. An act to improve the administration of the personnel systems of the General Accounting Office; and

H.R. 5174. An act to make clarifying, corrective, and conforming amendments to laws relating to Indian education, and for other purposes.

On September 13, 1988:

H.R. 1158. An act to amend title VIII of the Act commonly called the Civil Rights Act of 1968, to revise the procedures for the enforcement of fair housing, and for other purposes.

□ 1530

CONFERENCE REPORT ON H.R. 4387, INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. STOKES. Mr. Speaker, I call up the conference report on the bill (H.R. 4387) to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 11, 1988.)

The SPEAKER pro tempore. The gentleman from Ohio [Mr. STOKES] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. HYDE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report to accompany H.R. 4387, the Fiscal Year 1989 Intelligence Authorization Act. This was an intelligence conference on which the two committees reached swift agreement. Essentially, in terms of legislative content, it includes the House provisions and several Senate provisions not originally found in the House bill. These include a requirement for regular reports to the Intelligence Committees on the appointment and activities of the CIA's inspector general and 1-year special death gratuity extended for defense attachés killed because of hostile or terrorist acts.

The funding authorized by the bill, which is set forth in the classified schedule of authorization incorporated by reference, is described in detail in the classified annex to the statement of managers accompanying the conference report. Both are available for the review of all Members of the House in the Offices of the Intelligence Committee. I can say that your committee is pleased with the recommendations for funding contained in those documents.

I wish to commend all members of the committee on conference for their participation throughout the year in the budget authorization process and, particularly, the gentleman from Wyoming [Mr. CHENEY], the ranking minority member of the Subcommittee on Program and Budget Authorization. As always, the committee has relied greatly on the assistance and helpful cooperation of Mr. HYDE, the ranking minority member of the full committee, in reaching this conference agreement.

Mr. Speaker, I believe that the impression is sometimes given that the Intelligence Committee is deeply divided on partisan basis. It is true that there are such issues from time to time but, in my experience as a member of this committee and particularly as chairman, they have been rare and, where the divisions have occurred, they have been on principle. They have been fairly debated and Members have debated the issues with respect for each other's sincerely held positions.

But this bill, which represents the major, annual recurring work of the committee, reflects, as it has for so many years before, strong bipartisan agreement by all members of the committee on the appropriate level of re-

sources and administrative authorities for our Intelligence Services. These agencies are, as I have said in the past, among the finest, if not the finest, in the world.

The committee believes that the level of funding recommended in the conference report is appropriate and will sustain the kind of intelligence capabilities and the level of intelligence activities necessary to protect this country and provide its policymakers and military commanders with the necessary intelligence information. Obviously, we would all wish that more resources were available for intelligence but they are not available and likely will not be available in the years to come at the same levels of growth as they have been in the past. Therefore, the intelligence challenge we will face in the future will be a tougher one than that which we now face. We will have to do more with less in the years to come. I think, however, that the recommendations of the committee on conference for fiscal year 1989 will stand us in good stead by permitting a level of intelligence activity sufficient to support U.S. foreign, defense, and economic programs.

I should note in closing that the fiscal year 1989 authorization levels recommended in the conference report are consistent with the budget resolution and fully congruent with those recommended in the fiscal year 1989 defense authorization bill vetoed by the President.

Mr. Speaker, this conference report is rather straightforward and fully supported on both sides of the aisle. I endorse it wholeheartedly and urge its adoption by the House.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. FASCELL], the distinguished chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Speaker, I thank the gentleman for yielding time to me. I rise in support of the conference report, and I rise also for the purpose of making some legislative history here.

Mr. Speaker, I would like to engage the gentleman from Ohio, the distinguished chairman of the Intelligence Committee, in a colloquy. It is my understanding that the conference report currently before the House authorizes the appropriation of funds and personnel positions for the Office of Security Evaluation [SEO] under the direction of the Director of Central Intelligence.

It is my understanding that the Secretary of State and the Director of Central Intelligence are currently negotiating the parameters of the SEO in order that this unit can best assist the Secretary of State with respect to counterintelligence security standards at U.S. diplomatic facilities abroad.

It is my further understanding that

there is at present a disagreement between the Secretary and the Director of Central Intelligence on the specific functions of the SEO. The Director believes that the SEO should independently set security standards for U.S. missions overseas.

The Secretary of State, however, under the law, is required to set such standards and insists that the SEO's function must be advisory to him. It is clear that this should be worked out amicably. The reason I raise this issue is that, while the Secretary of State sets and implements security standards, clear improvements in this area are imperative. Therefore, the technical expertise of the entire intelligence community must be put to work to collaborate in recommending standards that meet the threat. It is the Secretary's responsibility to set these standards and to see to it that they are enforced. It should be the SEO's responsibility to monitor compliance and to independently and objectively evaluate compliance.

Is it your understanding that the intent of this authorization is to authorize a joint operation under the Director of Central Intelligence which will be staffed with personnel from the Department of State and from other intelligence agencies? Furthermore, is it also your understanding that the intent of this authorization is to permit SEO to:

Inspect U.S. diplomatic facilities abroad and make appropriate recommendations with respect to counterintelligence security matters, and

Provide the necessary technical assistance and personnel to formulate and recommend counterintelligence security standards to the Secretary of State.

Finally, Mr. Speaker, is it also the understanding of the gentleman that this authorization does not lessen, change in any way, or otherwise conflict with the statutory authority of the Secretary of State to set security standards for our diplomatic and consular facilities overseas?

Mr. STOKES. Mr. Speaker, if the gentleman will yield, those are my understandings. The reason for this dispute is that there have been a series of failures in the security of U.S. missions overseas. It is my hope that this disagreement will be resolved swiftly and that the Secretary and the Director can agree on procedures that permit full and careful consideration of all counterintelligence and security issues before standards are promulgated. If not, the President should quickly act to make the necessary decisions.

Mr. FASCELL. I thank the distinguished chairman for his statement. Mr. Speaker, I include section 103 of Public Law 99-399, the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986, regarding the Secretary of State's authority and responsibility

with respect to embassy security in the RECORD at this point.

SEC. 103. RESPONSIBILITY OF THE SECRETARY OF STATE

(a) SECURITY FUNCTIONS.—The Secretary of State shall develop and implement (in consultation with the heads of other Federal agencies having personnel or missions abroad where appropriate and within the scope of the resources made available) policies and programs, including funding levels and standards, to provide for the security of United States Government operations of a diplomatic nature and foreign government operations of a diplomatic nature in the United States. Such policies and programs shall include—

(1) protection of all United States Government personnel on official duty abroad (other than those personnel under the command of a United States area military commander) and their accompanying dependents;

(2) establishment and operation of security functions at all United States Government missions abroad (other than facilities or installations subject to the control of a United States area military commander);

(3) establishment and operation of security functions at all Department of State facilities in the United States; and

(4) protection of foreign missions, international organizations, and foreign officials and other foreign persons in the United States, as authorized by law.

(b) OVERSIGHT OF POSTS ABROAD.—The Secretary of State shall—

(1) have full responsibility for the coordination of all United States Government personnel assigned to diplomatic or consular posts or other United States missions abroad pursuant to United States Government authorization (except for facilities, installations, or personnel under the command of a United States area military commander); and

(2) establish appropriate overseas staffing levels for all such posts or missions for all Federal agencies with activities abroad (except for personnel and activities under the command of a United States area military commander).

(c) FEDERAL AGENCY.—As used in this title and title III, the term "Federal agency" includes any department or agency of the United States Government.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have listened to the colloquy between the two distinguished gentlemen and would like to add a few words.

I agree that this law does not purport to change any of several previous statutory provisions on authorities in this area. But we should also clarify that our colloquy is not intended to influence the manner in which the ongoing debate between the CIA and the State Department is resolved. That debate concerns whether the SEO should have additional authorities.

In my understanding, some contend that certain of the Secretary of State's traditional powers over embassy security already have been, or in the future should be, delegated to others—as allowed within the law. Some believe, for instance, that a prior memo-

random between Mr. Shultz and Mr. Webster and a letter from Colin Powell delegated responsibilities to the Security Evaluation Office. Another issue is whether a formal appeals procedure should exist if the Secretary of State disregards the SEO's advice on standards, enforcement, or other measures.

There are differing opinions within the Congress on where the agencies should compromise and on what decision the President should make if the issue goes to him. But, as Mr. STOKES and Mr. FASCELL point out, that is where the decision should be made.

Being in the unique position of serving on both the Intelligence and Foreign Affairs Committees, I would like to add here a special plea. I certainly do not wish to see these proud bodies become a mere pawn in various turf battles, rather than concentrating on exercising their oversight function to ensure that the job gets done. This would cause lasting bitterness between the committees and impede desperately needed security improvements.

Just as I believe the State Department and the intelligence agencies must work together if these severe, worldwide, and long-term security problems are to be solved, so too I believe the Foreign Affairs and Intelligence Committees must cooperate closely and harmoniously. It will take all our combined wisdom, influence, and budgetary authorities to reverse decades of neglect. This is no time for jurisdiction battles, and there is plenty of work to go around. The Intelligence Committee certainly does not intend to diminish the Foreign Affairs Committee's role. On the contrary, we deeply appreciate the excellent work already done in this area by Mr. FASCELL and my other colleagues. We anticipate their further initiatives. Those of us on the Intelligence Committee wish to coordinate closely with them and complement their actions through our own measures.

Mr. Speaker, I want to join my distinguished colleague and good friend, Mr. STOKES, the esteemed chairman of the House Permanent Select Committee on Intelligence in urging the House to adopt this conference report. The chairman has adroitly summarized the main provisions of the conference report on H.R. 4387, the Intelligence Authorization Act for fiscal year 1989.

As noted already, it authorizes a classified amount for carrying on a range of important U.S. intelligence activities. It retains the House-passed provision which codifies the Defense Intelligence Agency's current policy to disclose to the next of kin all live sighting reports of any U.S. citizens who were POW's, MIA's, or otherwise unaccounted for in the Vietnam conflict. The conference report also includes the House bill's provision to establish a demonstration project to de-

termine the effects of lump sum and periodic payments on the recruitment and retention of personnel and on field investigations in the New York field division of the Federal Bureau of Investigation. That field division has extremely important and taxing counterintelligence responsibilities. It is expected that the demonstration project will help us determine whether the proposed economic incentives will enhance counterintelligence capabilities in that significant locale.

The statement of managers accompanying the conference report notes with approval the efforts thus far of the intelligence community to support law enforcement agencies in their narcotics interdiction responsibilities. The conferees request a report from the Secretary of Defense and the Director of Central Intelligence, in concert with law enforcement officials, on this important subject by March 1, 1989. The statement of managers further makes clear that, while some progress has been made, we remain concerned about the intelligence community's foreign counterintelligence and security programs. The conference report therefore calls upon the Director of Central Intelligence to conduct a comprehensive review of the organization and effectiveness of U.S. counterintelligence and security efforts and report to the House and Senate Intelligence Committees his views on these matters with the fiscal year 1990 budget.

Of course, I cannot feel enthusiasm for every provision of the conference report. In particular, I, as well as the other Republican members of the Intelligence Committee, continue to believe that the usual annual prohibitory provision in this conference report against support to the Nicaraguan democratic resistance for military or paramilitary operations is a tragic mistake and cruel injustice. Nevertheless, as has been the case in recent years, the issue of aid to the Nicaraguan freedom fighters has been addressed in other legislation.

At this point in time, it is appropriate to remind the House that this will probably be the last intelligence authorization bill which Chairman STOKES will manage on the floor of this House. I for one, and I am certain the rest of the committee members and staff, will miss the quiet competence, good-natured fairness, and gracious goodwill of this warm-hearted gentleman during his stewardship at the helm of the Intelligence Committee. He is truly one of the kindest and finest individuals to have served in this institution.

In conclusion, I would urge the adoption of the conference report, and, in doing so, I take this opportunity to salute my good friend, Lou STOKES, for his leadership on this legislation and throughout the last 2 years as chairman of the Intelligence Committee.

□ 1545

It also should be mentioned that our committee is unusually blessed by very dedicated and able, keenly intelligent and energetic staff, Mr. Tom Smeeton of the minority, Steve Nelson of the minority, Diane Dornan of the minority, Marty Faga, Mile O'Neil and Diane Andrews of the majority, and several others. In fact, all of the staff are dedicated public servants and help make our difficult job somewhat easier.

Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire [Mr. SMITH].

Mr. SMITH of New Hampshire. Mr. Speaker, I thank the gentleman from Illinois for yielding time to me.

Mr. Speaker, I rise to briefly address section 404 of the conference report. This section requires that all live sighting reports that correlate or could possibly correlate to an American missing in action from the Vietnam war be made available to the next of kin of that citizen.

I originally offered this language as an amendment to the intelligence bill when it was first considered by the House back in May of this year. It was the product of a compromise worked out between myself and Representative SOLARZ. I would like to take this opportunity to thank the chairman of the committee, Mr. STOKES, and the ranking minority member, Mr. HYDE, for keeping this important language in the conference report. I also thank the gentleman from California [Mr. LAGOMARSINO], the gentleman from New York [Mr. SOLARZ], and the gentleman from New York [Mr. SOLOMON] for their support and efforts to work out this compromise language.

Mr. Speaker, the purpose of section 404 is simple. It would place current POW/MIA disclosure policy into law. It is the culmination of nearly 4 years of work on my part and on the part of many of my colleagues on both sides of the aisle.

While I fought for and would have preferred stronger disclosure language, as contained in H.R. 2260, a bill that I had introduced in April of last year, I believe section 404 is an important first step. Family members of our POW's and MIA's have suffered for far too long, waiting for any shred of information regarding the fate of their missing relative. They should have access to all reports regarding their relative, and section 404 will ensure that they do. It is long overdue and welcome.

Section 404 will also ensure that the next administration is bound by current policy. The POW/MIA issue is too important to be subject to partisan whims and political pressure. Our policy must remain consistent—from administration to administration.

Additionally, this section will put the DIA and other Government agen-

cies on notice that we expect their fullest cooperation with the family members.

In closing, Mr. Speaker, it is fitting that this legislation should pass during this week as we celebrate POW/MIA recognition day this coming Friday. Hopefully, we will soon not need any more recognition days and will achieve a full accounting of all those listed as missing in action. I for one pledge to continue my efforts to achieve this goal and am heartened by the victory we have today. While it may be small, any victory is welcome when you are a family member who has waited for 20 years and heard nothing.

Mr. HYDE. Mr. Speaker, I thank the gentleman from New Hampshire for his comments.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman from Illinois for yielding time to me.

Mr. Speaker, I rise in support of the Intelligence Act authorization and to point out an important provision relating to our POW/MIA's in Southeast Asia.

During consideration of this legislation in the House on May 26, 1988, I worked with my colleagues BOB SMITH of New Hampshire, JERRY SOLOMON, STEVE SOLARZ, and BEN GILMAN in offering an amendment that would require all intelligence agencies to make available to the families of our missing servicemen all records and reports, including live sightings, which correlate or could possibly correlate to their next of kin. This amendment maintains the privacy of the families and protects our sources and methods of intelligence collection. In other words, it codifies into law the current Defense Department "full disclosure" policy, and will bind the next administration. This Smith amendment became part of the bill, without objection, and, as chairman of the House POW/MIA Task Force, I am very encouraged that it was retained by the conference.

The crafting of this provision, and the strong support it has received, clearly shows the solid, unified, bipartisan way Congress is helping to resolve the fate of these brave Americans. This amendment is also endorsed by the National League of Families—the relatives of our POW/MIA's. Of course, the real obstacles to gaining the fullest possible accounting of our POW/MIA's lie in Hanoi, not Washington.

I urge my colleagues to join me in supporting this important measure and ensuring that America's longing POW/MIA families receive the information to which they are entitled about their missing fathers, brothers, husbands, and sons.

Mr. STOKES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, section 404 of the conference report is identical to section 404 of the House-passed bill. This section was offered as an amendment by the gentleman from New Hampshire [Mr. SMITH] and was language that had been worked out between the Intelligence and Foreign Affairs Committees, the POW/MIA Task Force, the Defense Intelligence Agency, and the National League of Families. It is an accurate and straightforward codification of the current DIA disclosure policy with respect to information, including live sightings, about POW/MIA's from the Vietnam era. It is a responsible piece of legislation and I applaud the interest of the gentleman from New Hampshire in working with the committees on it.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LUNGREN], a very valued member of our committee who will be leaving us, unfortunately, at the end of this year.

Mr. LUNGREN. Mr. Speaker, as a member of the committee I would just like to add my words to those of others in terms of concern expressed over the level of security that presently exists at missions around the world. I hope that the statements that were entered into the RECORD here today will guide the State Department and others to take seriously the mission that they have in this regard. I want to make it clear that it is a bipartisan concern and it is a bipartisan hope that that concern will be addressed.

Second, as a Member who has had the opportunity to work for 2 years on this committee, I still have a concern as to the emphasis we have on the counterintelligence side of our operations. I believe the authorization that we bring forward gives us an opportunity to have that emphasis expressed.

Finally, Mr. Speaker, as we talk about these various things, it seems sometimes that we are reluctant to express the qualities that we find in the personnel who are involved in our intelligence community representing the United States, both within this country and around the world. I for one would like to say that my 2 years' experience on this committee has given me an insight into the quality of people we have working in this field and the tremendously stimulating, in an intellectual sense, activities they are involved in, and the enormous contribution they make to our country as well as the sacrifices they make. Because of the nature of the work, much of what they have done is not commonly talked about or publicly expressed. Nonetheless, it seems to me important that we acknowledge the work that they have done, and that we let our constituents know that they are tremendously well served by the men and women who presently popu-

late our intelligence services. Perhaps many times they are taken for granted, sometimes because they are out of the public eye, but other times just because they happen to be doing a very, very good job. Mr. Speaker, they are doing an indispensable job; in other words, one we could not possibly do without.

I thank the gentleman from Illinois for yielding me this time.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STOKES. Mr. Speaker, I yield myself such time as I may consume.

Mr. SPEAKER, I just want to take an additional moment to add my comments to the notification that the gentleman from California [Mr. LUNGREN] also will be leaving this committee. He has certainly been one of the valuable members of this committee and one whom we have depended upon a great deal during the time of his service on this committee. His service has certainly been outstanding, and we want to congratulate him not only for the service he has rendered to this committee, but for the service he has rendered in this body.

I also want to acknowledge with appreciation the comments of my distinguished friend and the ranking minority member of this committee, the gentleman from Illinois [Mr. HYDE], a gentleman for whom I have had great respect and admiration in this body. Serving with him on this committee has been a real delight for me. We have never had a disagreement on any issue. We have worked in strictly a bipartisan manner to try and do the business of this committee.

While philosophically there may be issues upon which we have disagreed, in terms of matters related to the national security of this Nation and the operation of this committee, it has been a real pleasure to work with him, and I appreciate very much the contribution he makes to this body.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. McHUGH], a member of this committee.

Mr. McHUGH. Mr. Speaker, I thank the gentleman for yielding time to me. I rise in support of the conference report. As the chairman and the gentleman from Illinois [Mr. HYDE] have indicated, this conference report enjoys bipartisan support, which I think is a tribute, among other things, to the quality of work of the intelligence community, the quality of the leadership of the committee on both sides of the aisle, and to the quality of the staff that serves us all so well.

□ 1600

I think from time to time there is controversy surrounding aspects of the work of the intelligence community and, unfortunately, that tends to mask

the broad support that the intelligence community truly enjoys.

The work that it does is critically important to the security of the United States. Ninety-five percent of the work that it does is understood to be critical to our national security and in fact enjoys bipartisan support which is reflected in this bill.

I would also like to take a moment, Mr. Speaker, to add my words of admiration and commendation to our distinguished chairman. I have had the privilege of serving on this committee now for 4 years.

One of the great benefits in doing so, among many, has been in serving under two very distinguished chairmen, the gentleman from Indiana [Mr. HAMILTON] and the gentleman from Ohio [Mr. STOKES].

These gentlemen are among the very best that public service has to offer, not only in this Congress but in the country. It is a real joy and an education to serve with them and to learn from them and in some small way to contribute with them to the work of this committee which is so important to the Congress and to the country.

I also want to commend the ranking member, the gentleman from Illinois [Mr. HYDE], with whom I sometimes disagree on a small fraction of issues, but for whom I have great admiration as well.

Mr. STOKES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the distinguished gentleman from New York who is chairman of the Subcommittee on Legislation of the Permanent Select Committee on Intelligence, not only for his nice remarks but for the type of service he has rendered both to this committee and to this Congress.

It has been a real joy to serve with MATT who is one of the most able Members of this body. I certainly appreciate the service we have had together.

Last, Mr. Speaker, I just want to say that we have been privileged on this committee to have the benefit of one of the finest, most professional staffs that I have ever been privileged to serve with on any committee here in the Congress. No amount of praise can be given them that is unwarranted. They are some of the finest people that I have ever had the privilege of working with and this Congress is indeed fortunate to have the services of this staff.

Mr. TRAFICANT. Mr. Speaker, I rise in strong support of the conference report on H.R. 4387, the Intelligence Authorization Act for Fiscal Year 1989. I want to commend my esteemed colleague from Ohio, LOUIS STOKES, for the leadership he displayed in crafting this legislation. Chairman STOKES was a key member of the joint congressional committee that investigated the Iran-Contra affair and has been a leader in reforming and improving United States intelligence operations.

The conference report we are considering today includes several provisions designed to avoid the serious foreign policy blunders we saw in the Iran-Contra affairs. Mr. Speaker, if we learned anything from the Iran-Contra affair it is that the executive and legislative branches must work together to address vital national security problems. Complex and important covert actions cannot be contracted out and performed by private individuals or government agencies not experienced in covert or intelligence activities.

The conference report on H.R. 4387 addresses some of the concerns that were raised during the Iran-Contra affair by providing that any assistance to the Nicaraguan Contras must be explicitly authorized and approved by Congress. Mr. Speaker, despite almost 8 years of fighting against the Sandinista government, the Contras have yet to display the type of unity, sense of purpose, and widespread support so vital to any democratic movement. Most disturbing is the fact that the Contras have been led by individuals more concerned with personal gain and power than with establishing real democracy in Nicaragua. The inept, greedy, and corrupt leadership of the Contra movement will doom that movement to failure—no matter how much aid we send them.

Mr. Speaker, I join with my Democratic and Republican colleagues in condemning the Sandinista government's refusal to loosen their grip on power and allow true democracy to take root in Nicaragua. As much as I oppose the Sandinistas, I do not believe that further aid to the Contras will result in democracy for Nicaragua. However, because of the vital importance of this issue, it is essential that any future shipments of aid to the Contras be thoroughly debated by Congress.

That is why I strongly support the language included in the conference report that bars the CIA, Department of Defense, or any other agency or entity of the Federal Government from providing funds, material, or other assistance to the Contras unless authorized in this or separate legislation. This provision is broader than the language currently in place which prohibits assistance to the Contras by any entity engaged in intelligence activities. This loophole allowed the Reagan administration to justify the National Security Council staff's activities in the Iran-Contra affair by claiming that the NSC is not an intelligence agency.

Mr. Speaker, we live in a dangerous world. This reality demands that the United States undertake certain essential covert actions to protect our security. Because of the sensitive and vital nature of many of these activities, it is essential that the President inform the Congress of covert actions in a timely manner and work with the Congress to protect and ensure national security.

The Iran-Contra affair is tragic proof that America cannot afford to have major foreign affairs initiatives undertaken by inexperienced cowboys. Hopefully, H.R. 4387 will prevent another embarrassing and damaging foreign policy debacle from ever taking place.

Mr. Speaker, there is one other important provision in this bill that I would like to make note of. The bill requires any department or agency funded under the bill which has live sighting reports of United States citizens un-

accounted for in the Vietnam conflict, to make such reports available in a timely manner to the next of kin. The families of the thousands of MIA's from the Vietnam conflict still are haunted by the fact that their loved ones still might be alive in Southeast Asia. If any U.S. Government agencies or departments have information on live sightings of U.S. MIA's in Southeast Asia, this information should be provided to the next of kin as soon as possible.

Mr. Speaker, the conference report on H.R. 4387 is an important piece of legislation and I urge my colleagues to support its approval.

Mr. STOKES. Mr. Speaker, I have no further requests for time and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNUAL REPORT OF ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION FOR 1987—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Public Works and Transportation:

(For message, see proceedings of the Senate of today, Wednesday, September 14, 1988.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on both motions to suspend the rules on which further proceedings were postponed on Tuesday, September 13, 1988, in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 4994, by the yeas and nays, and H.R. 5133, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

FEDERAL PRISON INDUSTRIES REFORM ACT OF 1988

The SPEAKER pro tempore. The unfinished business is the question of

suspending the rules and passing the bill, H.R. 4994.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. **KASTENMEIER**] that the House suspend the rules and pass the bill, H.R. 4994, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 252, nays 163, not voting 16, as follows:

[Roll No. 313]

YEAS—252

Ackerman	Frank	Molinari
Akaka	Gallo	Montgomery
Anderson	Geldenson	Moody
Andrews	Gephardt	Moorhead
Annunzio	Gibbons	Morella
Aspin	Gillman	Morrison (CT)
Atkins	Gonzalez	Mrazek
AuCoin	Goodling	Murtha
Bartlett	Gordon	Nagle
Bateman	Gradison	Natcher
Bates	Grant	Nelson
Bellenson	Gray (IL)	Nichols
Bennett	Gray (PA)	Nowak
Berman	Green	Oskar
Bevill	Guarini	Oberstar
Bilbray	Hall (OH)	Obey
Boggs	Hall (TX)	Olin
Boland	Hamilton	Ortiz
Bonker	Hatcher	Owens (NY)
Borski	Hawkins	Owens (UT)
Bosco	Herger	Packard
Boucher	Hertel	Panetta
Boxer	Hochbrueckner	Pease
Brennan	Holloway	Pelosi
Brooks	Houghton	Pepper
Brown (CA)	Hoyer	Perkins
Brown (CO)	Hubbard	Petri
Bryant	Hughes	Pickett
Bustamante	Hyde	Pickie
Cardin	Jacobs	Rangel
Carper	Jeffords	Ray
Chandler	Jenkins	Richardson
Clay	Johnson (CT)	Ridge
Clinger	Johnson (SD)	Rinaldo
Coats	Jones (NC)	Rodino
Coelho	Jones (TN)	Roe
Coleman (TX)	Jontz	Rogers
Collins	Kanjorski	Rostenkowski
Conte	Kaptur	Roth
Conyers	Kastenmeier	Roukema
Costello	Kennedy	Rowland (CT)
Courter	Kennelly	Rowland (GA)
Coyne	Kildee	Roybal
Craig	Kleczka	Russo
Crockett	Kolter	Sabo
Davis (IL)	Konnyu	Saiki
de la Garza	Kostmayer	Savage
DeFazio	LaFalce	Sawyer
Dellums	Lantos	Saxton
DeWine	Leach (IA)	Scheuer
Dicks	Leath (TX)	Schneider
Dingell	Lehman (CA)	Schroeder
DioGuardi	Lehman (FL)	Schumer
Dixon	Levin (MI)	Sharp
Donnelly	Levine (CA)	Shaw
Dorgan (ND)	Lewis (GA)	Shays
Downey	Lipinski	Shumway
Durbin	Livingston	Sikorski
Dwyer	Lowry (WA)	Slitsky
Dymally	Lujan	Skaggs
Dyson	Lungren	Skeen
Early	Manton	Slattery
Edwards (CA)	Markey	Slaughter (NY)
English	Matsui	Smith (FL)
Erdreich	Mavroules	Smith (IA)
Espy	Mazzoli	Smith (NE)
Evans	McCandless	Smith (NJ)
Fascell	McCloskey	Smith (TX)
Fawell	McCollum	Snowe
Fazio	McCurdy	Solarz
Felghan	McHugh	Spratt
Fish	McMillen (MD)	St Germain
Flake	Meyers	Staggers
Flippo	Mfume	Stallings
Florio	Michel	Stokes
Foglietta	Miller (CA)	Stratton
Foley	Mineta	Studds

Ford (TN)
Synar
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Udall

Moakley
Vento
Walgren
Weiss
Wheat
Whittaker
Whitten

Swift
Williams
Wilson
Wolf
Wyden
Wyllie
Yates

NAYS—163

Alexander
Anthony
Applegate
Archer
Armey
Baker
Ballenger
Barton
Bentley
Bereuter
Bilbrakis
Billie
Boehlt
Boehlt
Bonior
Boulter
Broomfield
Bruce
Bunning
Burton
Byron
Callahan
Campbell
Carr
Chapman
Chappell
Clarke
Clement
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Crane
Dannemeyer
Darden
Daub
Davis (MI)
DeLay
Derrick
Dickinson
Dornan (CA)
Dowdy
Dreier
Eckart
Edwards (OK)
Fields
Ford (MI)
Frenzel
Frost
Gallegly
Gaydos
Gekas
Gingrich
Glickman
Grandy
Gregg

Gunderson
Hammerschmidt
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hiller
Hopkins
Huckaby
Hunter
Hutto
Inhofe
Ireland
Kasich
Kolbe
Kyl
Lagomarsino
Lancaster
Latta
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lloyd
Lott
Lowery (CA)
Lukens, Thomas
Lukens, Donald
Madigan
Marlenee
Martin (IL)
Martin (NY)
Martinez
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Miller (OH)
Miller (WA)
Mollohan
Morrison (WA)
Murphy
Myers
Neal
Nielsen
Oxley
Parris
Pashayan
Patterson
Payne
Penny

Porter
Price
Pursell
Quillen
Rahall
Ravenel
Regula
Rhodes
Ritter
Roberts
Robinson
Rose
Schaefer
Schuette
Schulze
Sensenbrenner
Shuster
Skelton
Slaughter (VA)
Smith, Denny
(OR)
Smith, Robert
(NH)
Smith, Robert
(OR)
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tauzin
Taylor
Traficant
Traxler
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Wise
Wolpe
Yatron
Young (AK)
Young (FL)

NOT VOTING—16

Badham
Barnard
Buechner
Cheney
Emerson
Garcia

Horton
Kemp
Leland
Mack
MacKay
Mica

Stark
Towns
Waxman
Wortley

□ 1629

Messrs. **DAVIS** of Michigan, **PORTER**, **PURSELL**, **TRAFICANT**, **SKELTON**, **MCCRERY**, **FIELDS**, **McGRATH**, **RHODES**, **SLAUGHTER** of Virginia, **HUTTO**, **HOPKINS**, **FROST**, **DeLAY**, **CHAPMAN**, **HAYES** of Illinois, **BEREUTER**, and **SPENCE**, **Mrs. VUCANOVICH**, and Messrs. **RAVENEL**, **CLEMENT**, **CAMPBELL**, **WISE**, **GLICKMAN**, and **MARTINEZ**, and **Mrs. BENTLEY** changed their vote from "yea" to "nay."

Messrs. **DAVIS** of Illinois, **SKEEN**, and **Dio GUARDI** changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

□ 1630

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore (Mr. **GRAY** of Illinois). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

INSIDER TRADING AND SECURITIES FRAUD ENFORCEMENT ACT OF 1988

The **SPEAKER** pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5133, as amended.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. **MARKEY**] that the House suspend the rules and pass the bill, H.R. 5133, as amended, on which the yeas and nays are ordered.

The Chair repeats that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 21, as follows:

[Roll No. 314]

YEAS—410

Ackerman	Brooks	Crockett
Akaka	Broomfield	Dannemeyer
Alexander	Brown (CA)	Darden
Anderson	Brown (CO)	Daub
Andrews	Bruce	Davis (IL)
Annunzio	Bryant	Davis (MI)
Anthony	Bunning	de la Garza
Applegate	Burton	DeFazio
Archer	Bustamante	DeLay
Armey	Byron	Dellums
Aspin	Callahan	Derrick
Atkins	Campbell	DeWine
AuCoin	Cardin	Dickinson
Baker	Carper	Dicks
Ballenger	Carr	Dingell
Bartlett	Chandler	DioGuardi
Barton	Chapman	Dixon
Bateman	Chappell	Donnelly
Bates	Clarke	Dorgan (ND)
Bellenson	Coleman (TX)	Dornan (CA)
Bennett	Collins	Dowdy
Bentley	Combest	Downey
Bereuter	Conte	Dreier
Berman	Conyers	Durbin
Bilbray	Cooper	Dwyer
Bilbrakis	Costello	Dymally
Billie	Coughlin	Dyson
Boehlt	Courter	Early
Boggs	Coyne	Eckart
Boland	Craig	Edwards (CA)
Bonior	Crane	Edwards (OK)
Bonker		English
Borski		Erdreich
Bosco		Espy
Boucher		Evans
Boulter		Fascell
Boxer		Fawell
Brennan		Fazio

Feighan	Levin (MI)	Rinaldo
Felds	Levine (CA)	Ritter
Fish	Lewis (CA)	Roberts
Flake	Lewis (FL)	Robinson
Filippo	Lewis (GA)	Rodino
Florio	Lightfoot	Roe
Foglietta	Lipinski	Rogers
Foley	Livingston	Rose
Ford (MI)	Lloyd	Rostenkowski
Ford (TN)	Lott	Roth
Frank	Lowery (CA)	Roukema
Frenzel	Lowry (WA)	Rowland (CT)
Frost	Lujan	Rowland (GA)
Gallegly	Lukens, Thomas	Roybal
Gallo	Lukens, Donald	Russo
Gaydos	Lungren	Sabo
Gejdenson	Madigan	Salki
Gekas	Manton	Savage
Gephardt	Markey	Sawyer
Gibbons	Marlenee	Saxton
Gilman	Martin (IL)	Schaefer
Gingrich	Martin (NY)	Scheuer
Glickman	Martinez	Schneider
Gonzalez	Matsui	Schroeder
Goodling	Mavroules	Schuetz
Gordon	Mazzoli	Schulze
Gradison	McCandless	Schumer
Grandy	McCloskey	Sensenbrenner
Grant	McCollum	Sharp
Gray (IL)	McCordy	Shaw
Gray (PA)	McDade	Shays
Green	McEwen	Shumway
Gregg	McGrath	Shuster
Gunderson	McHugh	Sikorski
Hall (OH)	McMillan (NC)	Sisk
Hall (TX)	McMillan (MD)	Skaggs
Hamilton	Meyers	Skeen
Hammerschmidt	Mfume	Skelton
Hansen	Michel	Slatery
Harris	Miller (CA)	Slaughter (NY)
Hastert	Miller (OH)	Slaughter (VA)
Hatcher	Miller (WA)	Smith (FL)
Hawkins	Mineta	Smith (IA)
Hayes (IL)	Moakley	Smith (NE)
Hayes (LA)	Molinar	Smith (NJ)
Hefley	Mollohan	Smith (TX)
Hefner	Montgomery	Smith, Denny
Henry	Moorehead	(OR)
Herger	Morella	Smith, Robert
Hertel	Morrison (CT)	(NH)
Hiller	Morrison (WA)	Smith, Robert
Hochbrueckner	Mrazek	(OR)
Holloway	Murphy	Snowe
Hopkins	Murtha	Solarz
Houghton	Myers	Solomon
Hoyer	Nagle	Spence
Hubbard	Natcher	Spratt
Huckaby	Neal	St Germain
Hughes	Nelson	Staggers
Hunter	Nichols	Stallings
Hutto	Nielsen	Stangeland
Hyde	Nowak	Stenholm
Inhofe	Obey	Stokes
Ireland	Olin	Stratton
Jacobs	Ortiz	Studds
Jeffords	Owens (NY)	Stump
Jenkins	Owens (UT)	Sundquist
Johnson (CT)	Oxley	Sweeney
Johnson (SD)	Packard	Swift
Jones (NC)	Panetta	Swindall
Jones (TN)	Parrish	Synar
Jontz	Pashayan	Tallon
Kanjorski	Patterson	Tauke
Kaptur	Payne	Tauzin
Kasich	Pease	Taylor
Kastenmeier	Pelosi	Thomas (CA)
Kemp	Penny	Thomas (GA)
Kennedy	Pepper	Torres
Kennelly	Perkins	Trafficant
Kildee	Petri	Traxler
Kleczka	Pickett	Udall
Kolbe	Pickle	Upton
Kolter	Porter	Valentine
Konnyu	Price	Vander Jagt
Kostmayer	Pursell	Vento
Kyl	Quillen	Visclosky
LaFalce	Rahall	Volkmer
Lagomarsino	Rangel	Vucanovich
Lancaster	Ravenel	Walgren
Lantos	Ray	Walker
Latta	Regula	Watkins
Leach (IA)	Rhodes	Weber
Leath (TX)	Richardson	Weiss
Lehman (CA)	Ridge	Weldon
Lehman (FL)		Wheat
Lent		Whittaker

Whitten	Wolpe	Yatron
Williams	Wyden	Young (AK)
Wise	Wyllie	Young (FL)
Wolf	Yates	

NOT VOTING—21

Badham	Guarini	Oberstar
Barnard	Horton	Stark
Bevill	Leland	Torricelli
Buechner	Mack	Towns
Cheney	MacKay	Waxman
Emerson	Mica	Wilson
Garcia	Oakar	Wortley

□ 1639

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 4781, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1989

The SPEAKER. The Chair appoints the following conferees for H.R. 4781, the Defense appropriation bill for fiscal year 1989.

For all Senate amendments, except Senate amendment No. 276, and modifications thereto committed to conference: MESSRS. CHAPPELL, MURTHA, DICKS, WILSON, HEFNER, AU COIN, SABO, WHITTEN, MCDADE, YOUNG of Florida, MILLER of Ohio, LIVINGSTON, and CONTE.

As exclusive conferees only for consideration of Senate amendment No. 276 and modifications thereto committed to conference: MESSRS. OBEY, WILSON, WHITTEN, EDWARDS of Oklahoma, and CONTE.

APPOINTMENT OF CONFEREES ON H.R. 4782, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1989

The SPEAKER. The Chair appoints the following conferees to H.R. 4782, the Departments of Commerce, Justice, and State, the Judiciary, and related agencies appropriation bill for fiscal year 1989: MESSRS. SMITH of Iowa, ALEXANDER, EARLY, DWYER of New Jersey, CARR, MOLLOHAN, WHITTEN, ROGERS, REGULA, KOLBE, and CONTE.

COAST GUARD AUTHORIZATION ACT OF 1988

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 518 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 518

Resolved, That upon the adoption of this resolution it shall be in order to consider

the conference report on the bill (H.R. 2342) to authorize appropriations for the Coast Guard for fiscal year 1988, and for other purposes, and all points of order against the conference report and against its consideration are hereby waived. The conference report shall be considered as having been read when called up for consideration.

The SPEAKER. The gentleman from Missouri [Mr. WHEAT] is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 518 provides for the consideration of H.R. 2342, the conference report on the Coast Guard Authorization Act of 1988. The rule waives all points of order against the conference report and against its consideration.

The rule also provides that the conference report be considered as having been read when called up for consideration.

Mr. Speaker, H.R. 2342 authorizes appropriations for necessary expenses of the Coast Guard for fiscal years 1988 and 1989. Included in the bill are funds for operations and maintenance acquisition and construction, research and development, retirement pay, medical care, bridge removal, and alteration.

Mr. Speaker, this legislation before us is a matter of great concern to all of us. I urge we adopt the rule so that we may proceed to consideration of this important conference report.

For the purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN].

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conferees are to be congratulated for bringing back to the House a conference report deserving our support. It contains \$2.7 billion for Coast Guard operations procurement, and research programs.

Mr. Speaker, this is a good conference report, and I know of no controversy. It is supported by the National Wildlife Federation, the Boat Owners Association of the United States, and the Sport Fishing Institute.

Mr. Speaker, I have no further requests for time, and I urge the adoption of the rule and the conference report when it is debated.

Mr. Speaker, I yield back the balance of my time.

□ 1645

Mr. WHEAT. Mr. Speaker, I am pleased to present a rule that has such bipartisan support on an important conference measure.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. JONES of North Carolina. Mr. Speaker, pursuant to House Resolution 518, I call up the conference report on the bill (H.R. 2342) to authorize appropriations for the Coast Guard for fiscal year 1988, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 518, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 9, 1988.)

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. Jones] will be recognized for 30 minutes and the gentleman from Michigan [Mr. Davis] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. Jones].

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill and its conference report have a very long and tortured history. Originally introduced in February 1987, the bill was then called the Coast Guard Authorization Act of 1987. The bill was passed by the House on July 8, 1987. The Senate changed it and passed it in October with the House passing it again in December. It then languished in the Senate until their calling for a conference in May of this year.

In light of these delays, the bill has now been expanded to be a 2-year authorization. I would like to briefly note some of the more important areas of the bill:

Section 2 of the bill authorizes appropriations, the amounts of which are in line with what was appropriated in fiscal year 1988 and what the administration requested in fiscal year 1989.

Section 3 authorizes personnel strengths which are very similar to those levels requested by the administration.

Section 6 of the bill contains the text of H.R. 3918, the Wallop-Breaux reauthorization. This bill authorizes appropriations and transfers for this important program for 5 years and will continue a successful program which has benefited both recreational boaters and sport fishermen. For a more detailed legislative history on this provision, please refer to House Report 100-786.

Section 27 establishes a Coast Guard rescue helicopter presence in Charleston, SC, and authorizes appropriations for that purpose.

Section 29 allows the Coast Guard to collect for assistance that it provides to film producers. This was not in either the House or Senate bill, but it

was requested by the administration in its fiscal year 1989 authorization proposal.

Section 30 directs the Coast Guard to use all available resources to provide nonemergency assistance to boaters. Coupled with the language in the statement of conferees, this provision is intended to clarify congressional intent with regard to the Coast Guard's nonemergency assistance policy. This provision does not require that the Coast Guard change its current nonemergency towing policy, nor does it preclude a change in the future if the Coast Guard deems such a change to be necessary.

In closing, let me say that this bill was developed in the truest bipartisan fashion and it has the full support of the members on both sides of the aisle of the Committee on Merchant Marine and Fisheries. The delay in enactment of this important legislation is already intolerable.

Mr. Speaker, I yield such time as he may consume to the chairman of the Subcommittee on Coast Guard and Navigation, the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it has taken a long time—much too long, in my opinion—to reach agreement with the Senate on the conference report to H.R. 2342, the Coast Guard authorization bill.

Because it has been more than a year since we first passed H.R. 2342, the bill has now been expanded to authorize Coast Guard programs for both fiscal year 1988 and fiscal year 1989, and some new provisions have been added, including provisions requested by the administration.

A great deal of effort has gone into this bill. It has strong support on both sides of the aisle in both Houses of the Congress. I trust this House will approve the conference report on which we have labored so long.

Mr. JONES of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. DYSON].

Mr. DYSON. Mr. Speaker, I rise today to express my support for H.R. 2342, the Coast Guard Reauthorization Act of 1989, and to commend the excellent work our colleagues have done on this important legislation.

The Coast Guard is a fully fledged member of this Nation's defense forces. But its primary mission is the protection of life at sea along the U.S. coastline, and the policing of our coastal waters against drug smugglers. The bill we are debating today will help ensure that the Coast Guard continues its valiant service in both efforts.

I well remember the night, in March of last year, when a Soviet freighter sent out a desperate SOS from deep in the Atlantic Ocean. Seas were swelling

to 20 feet, winds were gusting at 55 knots. The freighter, barely visible in the rain-swept night, was sinking fast. Coast Guard helicopters sped to the scene. In a daring rescue that is as remarkable for the guardmen's skill as for their luck, they succeeded in plucking each of the ship's 37 crewmembers from the deck of that doomed freighter.

As a member of the House Merchant Marine and Fisheries Committee, with oversight responsibility for the Coast Guard, I took a keen interest in the success of that rescue. And I know that it is an everyday occurrence for these men and women who test their courage against the stormy seas.

But as thankful as sailors in distress might be to hear the sound of a Coast Guard cutter or the whirling blades of its helicopters, there are others at sea who do not feel the same relief when the Coast Guard pulls into view. In the past 10 years, the Guard has arrested 8,500 drug smugglers trying to slip ashore with their deadly cargoes. Last year alone the Guard intercepted cocaine shipments weighing 26,000 pounds. That is more than \$416 million worth of the white powder that is killing this Nation's youth and strangling its future. This too is what the Guard does on a daily basis.

Last year, the Guard's drug interdiction and sea rescue funding was cut substantially. Some of this was due to budget pressures, some because the administration had other priorities. Drug patrols, for instance, fell by 55 percent. Nine rescue stations, which between them had saved some 614 lives in recent years, were shut down. This cutback is something we cannot afford. I am supporting the bill now before us because it will help to see that the Coast Guard is well funded and can resume its important service to this Nation.

In closing, let me once again commend the fine work of my colleagues on the House Coast Guard Subcommittee and their counterparts in the Senate. The measure before us dedicates more than \$5 billion over 2 years for the Coast Guard's operations, from its rescue missions to its drug interdiction activities. It will set aside more than \$120 million for the next 2 years to support the Guard's boat safety program, which is especially important for my constituents. And it will, I trust, help improve the Guard's inspection program.

I will support this measure, and I encourage my colleagues to do likewise.

Mr. DAVIS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while I strongly urge the adoption of the conference report on the Coast Guard Authorization Act of 1988, I have a few remarks to add to the chairman's explanation. It has

taken a very long, frustrating time to reach an agreement on H.R. 2342, and the Coast Guard has suffered during this waiting period. Many aspects of the Coast Guard's daily operations which rely upon provisions in H.R. 2342 were affected by this untimely delay.

Mr. Speaker, my colleagues Mr. JONES and Mr. HUTTO, have ably described this conference report and the reasons supporting the funding levels we are seeking for the Coast Guard. I would like to add that this bill represents a bipartisan effort on the part of the members of the Merchant Marine and Fisheries Committee and our colleagues on the Senate side. The funding levels authorized for fiscal years 1988-89 are those requested by the administration and are a very carefully calculated assessment of the Coast Guard's needs.

Among the provisions in this conference report are two which I specifically would like to address. The first relates to an exchange of property between the city of Grand Haven, MI, and the Coast Guard which results in mutual benefits for all parties involved. It is a fine example of a community working hard to maintain a close working relationship with a Federal agency. The second provision is the reauthorization of the Wallop-Breaux trust fund. This reauthorization was originally introduced by me last December as H.R. 3827, and I am pleased to say that this fund is one of the most successful user fee programs in Government. I take every opportunity to remind my home State of Michigan has more registered boaters than any other State. Clearly, the fuel taxes boaters have paid into the Wallop-Breaux fund have helped to make boating safer, they have helped to regenerate Great Lakes sport fishing, and they have provided resources to the Coast Guard on behalf of our Nation's recreational boaters.

As hard as we have worked on this conference report, there still remain other things which have been left undone. One of the primary requests by the Coast Guard was for the Secretary of Transportation to have the authority to lease icebreakers. This authority is becoming more and more essential as the need for replacement icebreakers becomes imperative and the budget situation makes procurements of that magnitude prohibitive. There were also several minor adjustments for the Coast Guard's officer personnel laws which we were unable to address. I sincerely hope we will address these, and other issues, in future legislation as quickly as possible.

In closing, I would like to say that the level of funding authorized in this conference report for the Coast Guard is not an extravagance on the part of the Federal Government. The Coast Guard cannot continue to survive in

the future on the uncertain funding and dubious process of appropriation to which it has been subjected in recent years. Its ability to survive the unpredictable working of Congress over the past several years has proved how durable the U.S. Coast Guard has become. However there are limits and we should not continue to force the Coast Guard to prove this point. I urge my colleagues to support the Coast Guard Authorization Act of 1988.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I rise today in full support of the conference report on H.R. 2342 the Coast Guard Authorization Act of 1988. This bill authorizes appropriations for the Coast Guard activities in fiscal year 1988 and fiscal year 1989 at the full President's request. While this is by no means a fat budget it will allow the Coast Guard to adequately carry out its vital missions.

Besides simply authorizing Coast Guard appropriations this bill contains several other important provisions. It reasserts and clarifies that construction contracts performed in areas that are economically depressed should hire local workers. This provision also clarifies that a person within daily commuting distance for purposes of this statute must be permanent residents of the State from which they are commuting. This change is designed to alleviate what I feel was a misinterpretation by the Department of Transportation; namely, that a temporary resident could be within daily commuting distance. This has allowed contractors to circumvent past local hire requirements by bringing in out-of-state workers and then placing them in a temporary residence simply for the duration of the contract and then claiming that they are within daily commuting distance. I feel that the conference committee language is clear that such a result is not what Congress intended in a local hire requirement.

The bill also provides housing relocation assistance for Coast Guard personnel who are adversely affected by a large scale transfer or a base closing. This bill would allow Coast Guard personnel to be compensated for losses they incur because a large scale transfer temporarily depresses the housing market. This legislation would simply give Coast Guard personnel the same benefits that Department of Defense personnel have enjoyed for a number of years. The relocation assistance section will apply to any transfer or closing after January 1, 1988, this effective date is extremely important in order to protect those Coast Guardsmen who were adversely affected by last years Coast Guard wide realignment. This is extremely important to

communities such as Juneau in my home State of Alaska.

Another section that is worthy of note is the section relating to towing services. The conference report simply clarifies the intent of Congress as to the Coast Guard Auxiliary providing towing services. I had the honor of serving as the ranking minority member of the Coast Guard and Navigation Subcommittee in 1982 when the Congress first initiated the policy that the Coast Guard was not to interfere with the private sector in nonemergency towing operations. I must state for the record that, to the best of my recollection, the Coast Guard Auxiliary was never intended to be included as part of the Coast Guard for purposes of nonemergency towing operations. The language of this legislation simply makes clear that Congress did not intend to prohibit the Coast Guard Auxiliary from providing towing assistance. The language of the conference report makes it clear that this clarifying language is not intended to overturn the recent compromise between the Commandant, the Coast Guard Auxiliary, and the commercial towing industry regarding towing policy.

Mr. Speaker, I will close by saying that this is important legislation and urge its adoption.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in support of this conference agreement.

It is important that the Congress reauthorize appropriations and make certain technical amendments to the aquatic resources trust fund—the Wallop-Breaux fund. Both the sport fishing restoration account and the boating safety account within that fund are financed from excise taxes on sport fishing equipment and certain boats.

The conference agreement substitutes the text of H.R. 3918 for section 6 of H.R. 2342. H.R. 3918 was jointly referred to the Committee on Ways and Means and Merchant Marine and Fisheries. No action was taken on H.R. 3918 by the Committee on Ways and Means.

The conference agreement on H.R. 2342 would amend the Internal Revenue Code to increase transfers to and expenditures from the boat safety account to better reflect actual revenues raised by the miscellaneous taxes and import fees which support the fund. The legislation also would reauthorize expenditures from the boat safety account through March 31, 1994.

Mr. Speaker, the conferees on this legislation from the Committee on Ways and Means are pleased that we were able to improve the funding of this popular boat safety account which provides financial assistance for a coordinated national recreational boating safety program for the States and the Coast Guard.

I would note, Mr. Speaker, that no action in this conference has in any way changed the jurisdictional responsibilities in this area of the two House committees, as provided under House rules and precedents.

I hope these legislative changes will carry us through the next 5½ years.

Mr. GILMAN. Mr. Speaker, I rise in support of the conference report on H.R. 2342, Coast Guard Authorization Act. I wish to commend the gentleman from Mississippi [Mr. WHITTEN] for helping to bring this measure to the floor.

The funding contained in this bill meets the President's 1989 budget request for the Coast Guard. The bill provides for a 2-year authorization for the Coast Guard, putting it on the same budget cycle as the Department of Defense. The bill's total authorization included \$1.9 billion for fiscal year 1988 and \$2.1 billion for fiscal year 1989 for Coast Guard operations and maintenance.

The importance of the Coast Guard in our struggle against drugs can not be overstated. It plays a crucial role in helping to interdict the flow of illicit drugs penetrating our borders by air and sea through such programs as Opbat [Operation Bahamas and Turks and Caicos] in the Caribbean Sea, and the Department of Defense's Ledet [Law Enforcement Detachment] team program. The Coast Guard has the trained personnel and a good deal of the equipment to do a first-class job of interdiction; but it needs a first-class budget. This legislation is a step in that direction.

Accordingly, I urge my colleagues to support this measure. We have given the Coast Guard the very difficult task of interdicting the burgeoning flow of illicit drugs into our country. We cannot stand here in our Nation's Capital and call for a war against drugs if we do not properly provide our frontline troops with the resources they require to complete the dangerous mission we have assigned them. We must strongly support the Coast Guard, otherwise drug interdiction will remain our Nation's "Mission Impossible".

Mr. BOSCO. Mr. Speaker, I rise in support of the conference report on H.R. 2342, the Coast Guard Authorization Act. I wish to extend my appreciation to Chairman WALTER JONES and Subcommittee Chairman EARL HUTTO for their efforts on behalf of a Coast Guard bill which is fiscally responsible yet which enables the service to perform its essential missions vigorously.

This measure provides the Coast Guard with the funding it needs to carry out urgent search-and-rescue and drug interdiction missions as well as other important functions such as aiding navigation, providing fisheries law enforcement expertise, ensuring marine and boating safety, and assisting with environmental protection efforts.

The measure before us today authorizes \$2.6 billion for the service in fiscal year 1988. This figure includes \$1.9 billion for operations and maintenance, nearly \$280 million for acquisition and construction, \$20.1 million for research and development, and \$386.7 million for retirement pay. The bill also authorizes \$2.9 billion for fiscal year 1989.

Mr. Speaker, citizens throughout the Nation benefit from the Coast Guard's efforts, but a very special bond exists between the residents of my northern California district and those who serve in the Coast Guard. Many depend upon the Coast Guard to make their very livelihoods possible and to protect and quite often save lives.

The Coast Guard represents the difference between life and death for many in my district, and my constituents have developed a deep

respect for the skill and professionalism of the service. I assure them that I will continue to fight for levels of funding which allow for a capable and modern Coast Guard.

If this Nation is not prepared to pay for an effective Coast Guard now, then far too many innocent boaters, fishermen, and others will be forced to pay later in the form of injuries, lost livelihoods, and lost lives. I urge my colleagues to join me in supporting this important measure.

Mr. PORTER. Mr. Speaker, I rise in support of H.R. 2342, the conference report on the Coast Guard reauthorization for fiscal years 1988 and 1989. In particular I would like to applaud the good work of Chairman JONES and BOB DAVIS, the chairman and ranking member of the full committee, and the chairman of the Subcommittee on Coast Guard and Navigation, EARL HUTTO, who has done such a fine job steering this bill through what were, at times, troubled waters.

The conference report authorizes a total of \$2.1 billion for the Coast Guard's operating expenses. This amount is the same as the President's request, and should enable the Coast Guard to maintain the search and rescue stations around the country that continue to provide essential lifesaving services to our citizens. The conference report also includes full funding of \$348 million for the acquisition, construction, and improvements account that will provide the Coast Guard the necessary physical resources to carry out its increasing role in drug interdiction and water safety.

We all know that over the last year the Coast Guard has been asked to take on increased responsibilities concerning our ongoing effort to halt the flow of drugs into our country. At the same time, we have worked with the Coast Guard to ensure that these new responsibilities did not come at the expense of the Coast Guard's historic responsibility of protecting and safeguarding our waterways.

The Coast Guard's lifesaving search and rescue stations are essential and deserve priority status. Passage of this conference report will ensure that the Coast Guard is able to carry out both of these vital missions.

Mr. McMILLEN of Maryland. Mr. Speaker, I am pleased that the House has moved so quickly to bring this bill to the floor for our consideration. I want to reiterate my opposition to future cuts in Coast Guard funding that would necessitate facilities closings. One facility that is on the budget chopping block is the Curtis Bay, MD, repair yard. Scheduled for phase out by 1991, I believe that the Coast Guard has not carefully evaluated the economics behind their decision to close the yard. Of service to the fleet for the past 89 years, the Curtis Bay facility is the only one of its kind in the country. Workers there have shown that they can perform complex repairs to Coast Guard ships, both on-time and on-budget. This is important not just to Marylanders, but to all of us, as all Americans benefit from a Coast Guard that operates at peak efficiency. For this reason, I hope that you will join me in speaking out against the Curtis Bay yard closing. We must explore the Coast Guard to examine other feasible options for budget savings.

As I speak today, I am reminded of a bumper sticker that I saw recently on a trip up to Curtis Bay. It read "the United States Coast Guard: Big Job, Small Service." This slogan serves to remind us that we should not lose sight of the enormity of the Coast Guard's mission, nor the importance of funding it fully in the coming years.

□ 1700

Mr. DAVIS of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, I am wondering if the Chair can tell the Members what the schedule is for the rest of the day and where we stand with regard to potential votes between now and the end of the day.

The SPEAKER pro tempore. The Chair is awaiting the arrival of one Member on the minority side who will offer an amendment in the Committee of the Whole House on the State of the Union during further consideration of the drug bill.

Mr. WALKER. Mr. Speaker, how long could we expect consideration of the drug bill to go on?

The SPEAKER pro tempore. Approximately 1 to 1½ hours.

Mr. WALKER. Mr. Speaker, if we cannot have the minority Member over here, does the Chair intend perhaps having a call of the House?

The SPEAKER pro tempore. The Chair will recognize a Member for a 1-minute speech.

LEGISLATION TO ASSIST INDIAN VOCATIONAL EDUCATION

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute.)

Mr. RICHARDSON. Mr. Speaker, I am pleased to introduce legislation assisting the cause of Indian vocational education. Currently, only two tribal institutions exist nationwide which are solely dedicated to providing quality vocational education for American Indians: the Crownpoint Institute of Technology located in my own district in New Mexico, and the United Tribes Technical College in Bismarck, ND.

Over the past decade our Nation's economy has changed dramatically from an industrial-based economy to one that is increasingly service based. This has precipitated a change in our training needs as more and more of the jobs in high demand require specialized, vocational training.

These jobs range from the construction trade—masonry, plumbing, carpentry, electricians, sheet metal workers, and heavy equipment mechanics to food services, medical records technicians, nursing, and the computer fields, among others.

Many of these specialized employment fields can be taught in short-term training programs that yield high annual wages ranging from entry level wages of \$8,500 to \$20,400.

NEED FOR YOUR LEGISLATION: PROBLEMS OF THE RESERVATIONS

At the same time, problems in the national economy become magnified on many of our Nation's Indian reservations. American Indians currently suffer from one of the Nation's highest unemployment rates.

The unemployment rate of the Navajo Reservation is seven times that of the United States at large, with an average unemployment rate of 37 percent.

In addition, it is estimated only 55 percent of American Indians complete high school. College attendance rates for American Indians remain the lowest for any minority group with only 17 percent of young American Indians going to college.

The reasons for this are many, including the hardships of leaving one's homeland to attend college in an unfamiliar urban environment, and the prohibitive costs of higher education.

For these and other reasons, it is imperative that we invest in vocational education, particularly as the Indian tribes of our Nation confront the problems of high dropout rates and unemployment through economic diversification and tribal economic development.

NEED FOR YOUR LEGISLATION: PROBLEMS AT CIT AND UTTC

Currently, the Crownpoint Institute of Technology and the United Tribes Technical College are the only two tribal institutions struggling to pro-

vide specialized vocational job training for American Indians. These two institutions are the only Indian tribal educational institutions which are not provided for by Federal authorizing statute.

Because they are not State institutions, they cannot look to city, county, or State mill levies for funding. Absent tax generating economies, tribal governments cannot provide adequate support.

As a result, their sources of funding are competitive and soft, and frequently absent. Without dependable funding, long-term planning becomes impossible. In fact, at times only portions of a course can be offered because a one-time funding source is no longer available.

More critically, at the end of one school year, it is not unusual for these institutions to be uncertain about whether they will be able to open for classes for the continuing year. In short, because of their unique status, they have been overlooked by every funding source and have simply fallen through the cracks.

IMPORTANCE AND SUCCESSES OF CIT AND UTTC

Despite the tremendous odds facing these institutions, the Crownpoint Institute of Technology has graduated over 1,150 Indian adults into the Nation's work force, skilled from among 25 fully accredited, intensive training programs. Virtually all of these graduates entered CIT unemployed and without any job skills.

Both the Crownpoint Institute of Technology and the United Tribes Technical College enable their graduates to leave the welfare rolls forever and become gainfully employed. More importantly, these institutions are critical to the transformation of these graduates into proud, productive citizens contributing to tribal and State economies.

WHAT YOUR LEGISLATION DOES

Among other things, the legislation I am offering today will provide a stable, basic funding source for these institutions based upon their current expenditures and costs.

It will also create a national Indian center for research in vocational-technical training designed to provide input into Indian economic development policy.

In closing, I emphasize that this Federal investment can be expected to be returned multifold. In just 6 years of employment, one graduate will have returned in taxes the cost of his or her education.

In New Mexico alone, one graduating class can be expected to earn \$1.2 million in 1 year and contribute over \$460,000 of the tax base. Contrast this to the cost of maintaining these individuals and their families on public assistance and it is clear this legislation is worthy of Federal investment.

The time has come to provide these valuable institutions serving Indian people the same basic funding opportunities afforded to all other educational institutions.

OMNIBUS DRUG INITIATIVE ACT OF 1988

The SPEAKER pro tempore. Pursuant to House Resolution 521 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5210.

□ 1706

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5210) to prevent the manufacturing, distribution, and use of illegal drugs, and for other purposes, with Mr. CARR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, September 9, 1988, the amendment offered by the gentleman from California [Mr. LUNGREN] has been disposed of. The next amendment in order is the amendment offered by the gentleman from Illinois [Mr. DAVIS].

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DAVIS of Illinois: Page 198, strike out line 1 and all that follows through line 5 on page 199 (and redesignate accordingly).

Mr. ENGLISH. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. DAVIS] will be recognized for 5 minutes, and the gentleman from Oklahoma [Mr. ENGLISH] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first like to submit for their record the official Department of Justice position of this amendment. They support my amendment on the grounds that the provision for a national training center for prison drug rehabilitation program personnel is duplicative and contains inappropriate organizational structures.

The Department of Justice already has two Federal law enforcement training centers in Glencoe, GA, and Marianna, AZ, and is building a third

in Artesia, NM. The Federal training centers are responsible for basic training of correctional officers and could be a possible already existing vehicle for drug rehabilitation training.

In addition, the Bureau of Prisons has facilities in Denver and Dallas which already have in-house drug rehabilitation training programs for prison officials. They also send people to classes for such training.

Finally, the idea of giving the National Institute of Corrections [NIC] the responsibility for a national program would be detrimental to their purposes. I realize that NIC supports the provision—sure they would like to have a new, permanent facility and I am sure all of us would like to have it in our district.

But the fact of the matter is that NIC is set up to respond to the needs of State and local prison officials. They are small and effective. If the change NIC's mission to a Federal one even in this area, then we are putting them in jeopardy of becoming bureaucratically bogged down.

The bottom line is that although this provision is backed by good intentions. It is an ineffective and inefficient use of taxpayers' money.

There are less costly ways to train prison officials to deal with drug rehabilitation, as I pointed out earlier, using already existing Federal facilities and we should look into those alternatives. In fact, the Department of Justice is probably already doing that and if they aren't we can urge them to do so.

I will offer an amendment later which takes the \$22 million plus an additional \$8 million and adds it to the offices of the U.S. attorneys, an area where the money is desperately needed.

I will make the arguments for that later on today, but I wanted Members to be aware that there is already a \$13 million shortfall in the U.S. attorneys' account for fiscal year 1988.

And we are looking at anywhere from a \$10.8 to a \$21.7 million shortfall in fiscal year 1989 from the U.S. attorneys' current services request of \$402 million—that is just to maintain the number of prosecutors not to add more.

Once the current services level of \$402 million is reached, the \$30 million from my amendment would provide approximately 137 additional attorneys and 137 additional support staff positions.

Unless we correct the fiscal year 1989 budget proposals, the existing litigative bottleneck will only be exacerbated.

The already alarming declination levels in the U.S. attorneys' offices across the country will increase.

The U.S. attorneys will not be able to accept new drug cases and many

major drug offenders will not be prosecuted.

The Congress needs to wake up to the fact that all of the resources we pour into drug-related investigations are wasted unless we can prosecute and punish those drug offenders.

Vote for the Davis amendments to do just that.

Mr. ENGLISH. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I rise today in opposition to the Davis amendment to H.R. 5210, which seeks to delete provisions in the bill included by the House Crime Subcommittee, on which I serve, establishing a national training center for Federal, State, and local prison personnel who conduct drug rehabilitation programs.

Mr. Chairman, during the Crime Subcommittee and full Judiciary Committee debate on the drug bill, no member of the committee spoke in opposition to this provision—either on the majority side or on the minority side. So I discount, to a large degree, the opposition of the administration to the Drug Rehabilitation Training Center.

Clearly, we need to stop the endless cycle of drug abuse and crime and a good place to start is in the correctional facilities themselves.

Effective drug-rehabilitation programs in our Nation's prisons—including a program such as this which would establish a center to train correctional officers in drug rehabilitation programs—could help curb this cycle and in the long run help us rein in our ever-increasing expenditures for prisons and prison construction. It makes good sense for us to maintain this language in the bill.

The National Governors' Association and the National Association of Counties are in support of this training center because they realize how important this type of effort is to State and local corrections.

It is the State and local law enforcement agencies which are on the front lines in the war against illegal drugs. That is why our committee has so strongly supported the State and Local Law Enforcement Assistance Program. It is State and local corrections officials who must deal with the criminals apprehended through stepped up enforcement efforts, and we should help them in rehabilitating and otherwise counseling for these prisoners.

I thank the gentleman from Oklahoma [Mr. ENGLISH], chairman of the Government Operations Subcommittee on Information and Justice, for his hard work and diligence in formulating this proposal and I urge my colleagues to support this important initiative by defeating the Davis amendment.

Mr. ENGLISH. Mr. Chairman, I yield 1 minute to the distinguished chairman of the Subcommittee on Crime, the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Chairman, first of all, I want to congratulate the gentleman from Oklahoma for his leadership in this area.

Mr. Chairman, I vigorously oppose the gentleman's amendment. I understand what his purpose is. Glencoe is a law enforcement training center, and the appropriate institute would be the National Institute of Corrections. They would be the appropriate mechanism for training correctional officers.

It seems to me, in trying to spot and deal with substance abuse problems, and one of the reasons why we retained this in committee is because we felt it is important for us to begin developing this kind of training program. I am not sure it is appropriate for us to be developing this kind of training in a law enforcement institute, and that is what Glencoe is.

Mr. Chairman, we ought to be strengthening Glencoe and providing not just training for Federal authorities but State and local. It is the National Institute of Corrections that should have responsibility for assisting our corrections officers in better understanding the problems they are dealing with in our prisons. Our prison population consists of about 60 to 65 percent in many instances of people who have drug-related offenses.

Mr. Chairman, this is a serious problem, and we need to get about trying to provide the kind of training they need to try to deal with the problems on a day-to-day basis. That is why I oppose the gentleman's amendment.

Mr. ENGLISH. Mr. Chairman, I yield myself such time as I may consume.

□ 1715

Mr. Chairman, roughly one-third of all of those who are convicted of crimes today have committed those crimes while they are under the influence of drugs. Roughly half of those who are convicted of nonviolent crimes committed those crimes in relationship to drugs. Roughly 70 percent of all the violent crime in this country is drug related.

In this legislation we are spending hundreds of millions of dollars to offer rehabilitation to those victims, those people who are drug dependent, and certainly I think that it is proper that nowhere in this legislation, except in this provision for \$14 million, are we addressing the problem of those people who have been sent to prison who may be drug dependent.

If my colleagues think that those people who have gone to prison are not receiving drugs, are not able to obtain drugs, are not using drugs in

those prisons, they are sadly mistaken. At best we may have cut back on the size of the habit they have, but once they leave that prison, the chances are they are still going to be drug dependent, and once again they are entering this vicious circle.

Mr. Chairman, the purpose of a drug training center is to try to break this vicious circle. The objective is to try to provide an opportunity for those people who are drug dependent to have a chance to get off drugs before they leave that prison system.

We have, with a private program, an example of exactly how that can work. In Tucson, AZ, under a program known as Amnity we have cooperation with the city and State law enforcement officials providing people who have been convicted of drug related crimes, people who are drug dependent, sometimes two- and three-time losers who have been committed to this program at roughly half the cost of what it takes to send those people to a maximum security prison, those people are committed to a long-term rehabilitation program, not a detoxification program, a long-term drug rehabilitation program. Exiting that program they are having a better than 50-percent success rate.

If we can institute that type of program in our prison systems, whether it be on the city, State, or Federal level, certainly that will give us great returns not only because of the fact that we are going to have prison space available, and certainly we do not have that today, but also we are going to break that terrible chain of people leaving prison, drug dependent, committing additional crimes and reentering the system once again.

I suggest to Members that this is an investment that this country cannot afford to pass up.

In closing, Mr. Chairman, I would simply urge my colleagues to retain this particular provision in the bill. I would urge my colleagues to defeat the Davis amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself my remaining 1 minute.

Mr. Chairman, let me say I agree, there are millions of dollars already in the bill for drug rehabilitation, and this Congressman knows a lot about prisons. I have two of the toughest prisons in the country in my district, actually three, Stateville, Joliet Correctional, and McDonough Youth Center, which are very close to my home, as a matter of fact.

Let me just say I sympathize with drug rehabilitation. I am for the money in the bill. I am trying to be fiscally responsible in pointing out that I think the organizational structure is wrong in this particular instance, and it ought to be struck, and we ought to be looking at money for U.S. attorneys.

If Members do not want to do that, that is fine. Let us go ahead and do some prison drug rehabilitation, but do not lose sight of the fact that we are never going to get anybody into the system other than what is there now if we do not have some more money in the U.S. attorney line in the later Davis amendment. And if it is the will of this House that the rehabilitation center go forward, then it is the will of this House. But the other item is equally as important.

The CHAIRMAN. All time has expired.

Mr. DAVIS of Illinois. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey [Mr. HUGHES] be given 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] is recognized for 1 minute.

Mr. HUGHES. Mr. Chairman, the gentleman is absolutely right about the need for moneys for U.S. attorneys. We need to have resources in every link of the criminal justice process.

The gentleman might be interested in knowing that the gentleman from Florida [Mr. McCOLLUM] and myself are offering an amendment that would provide up to \$150 million from the forfeited drug assets to fund, among other things, prison construction, U.S. attorneys, the foreign cooperative investigative program diversion, among other uses, about five different uses. But there will be money in there for the U.S. attorneys.

I quite agree with the gentleman from Illinois, but I think in the final analysis we will save resources by training those that are caring for our prison population by sensitizing them to the problems in the prison system today, and that is precisely what the gentleman from Oklahoma [Mr. ENGLISH] and the gentleman from Kentucky [Mr. MAZZOLI], who worked very hard on this issue, are trying to do by in fact inserting this particular amendment.

So I think this will in fact save us money in the long run.

I thank the gentleman from Illinois.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DAVIS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. EDWARDS OF OKLAHOMA

Mr. EDWARDS of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EDWARDS of Oklahoma: Page 205, after the quoted

matter following line 4, insert the following new subtitle:

Subtitle M—Civil Penalty

SEC. 6801. CIVIL PENALTY FOR POSSESSION OF SMALL AMOUNTS OF CERTAIN CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Any individual who possesses a controlled substance that is listed in section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) in an amount that, as specified by regulation of the Attorney General, is a personal use amount shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each such violation. In determining the amount of a penalty under this subsection, the income and net assets of the individual shall be considered.

(b) ASSESSMENT.—A civil penalty under this section may be assessed by the Attorney General only by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. The Attorney General shall provide written notice to the individual who is the subject of the proposed order informing the individual of the opportunity to receive such a hearing with respect to the proposed order. The hearing may be held only if the individual makes a request for the hearing before the expiration of the 30-day period beginning on the date such notice is issued.

(c) COMPROMISE.—The Attorney General may compromise, modify, or remit, with or without conditions, any civil penalty imposed under this section.

(d) JUDICIAL REVIEW.—If the Attorney General issues an order pursuant to subsection (b) after a hearing described in such paragraph, the individual who is the subject of the order may, before the expiration of the 30-day period beginning on the date the order is issued, seek judicial review of the order pursuant to section 1331 of title 28, United States Code, and chapter 7 of title 5, United States Code.

(e) CIVIL ACTION.—If an individual does not request a hearing pursuant to subsection (b) and the Attorney General issues an order pursuant to such subsection, or if an individual does not under subsection (d) seek judicial review of such an order, the Attorney General may commence a civil action in any appropriate district court of the United States for the purpose of recovering the amount assessed and an amount representing interest at a rate computed in accordance with section 1961 of title 28, United States Code. Such interest shall accrue from the expiration of the 30-day period described in subsection (d). In such an action, the decision of the Attorney General to issue the order, and the amount of the penalty assessed by the Attorney General, shall not be subject to review.

(f) LIMITATION.—The Attorney General may not under this subsection commence proceeding against an individual after the expiration of the 5-year period beginning on the date on which the individual allegedly violated subsection (a).

Mr. HUGHES. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. Pursuant to the rule, the gentleman from Oklahoma [Mr. EDWARDS] will be recognized for 15 minutes and the gentleman from New Jersey [Mr. HUGHES] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Edwards amendment, which establishes a civil penalty for conviction of the possession of "personal use" amounts of a controlled substance, is a response to a sense of frustration in America over our inability to solve the drug problem, a frustration which stems in part from the inability of our criminal courts to effectively stop drug use.

Opinion polls ranking the most serious problems in America show drug abuse at—or very near—the top every time. Why? Because drug abuse, and the crime and destruction it carries, affects all of us. Not just the user, but society in general suffers tremendously because of the importation, sale, and use of these illegal substances.

The American people see the damage drugs cause in their communities and they realize that people who use illegal drugs, whether frequently or only occasionally, are not victims, but are victimizers. They victimize inner-city teenagers who pass up responsible jobs and sacrifice future dreams for the flashy clothes, jewelry, and expensive cars that drug running can buy. They victimize 375,000 babies a year, innocent addicts born at risk of health problems because of their mother's drug abuse. They victimize train passengers and automobile travelers, fellow workers and employers. They victimize law enforcement officers, DEA and FBI agents, Customs officials, Coast Guard personnel—and the list goes on and on and on.

Weekend cocaine snorters and joint smokers might think they have little in common with back alley heroin and LSD addicts, but both create a demand for illegal drugs that organized criminals in the United States and in foreign countries thrive on. In so doing they aid, abet, support, and sustain the enemy in our war against drugs.

Yet, drug users, are rarely called upon to pay for the damage they inflict on all of us because of their selfish indulgences. Too often, the only response Congress seems willing to offer is taxpayer money for free treatment centers and rehabilitation programs.

Treatment and rehabilitation are important, and this bill includes money for those programs which I support, but so is accountability and so is justice. This amendment will help bring more accountability and more justice to this very important legislation.

This amendment establishes a civil penalty for individuals convicted of possessing small amounts of a controlled substance. It is designed to hold the causal drug user accountable in a new way for the murders, smugglers, pushers, and dealers who exist to meet his or her private drug demand.

It does not replace any criminal penalty or decriminalize drug use in any way, in fact it does the exact opposite—it adds a civil penalty to the already existing criminal sanctions in a calculated effort to give law enforcement a new and effective means of dealing with small time users whose actions would otherwise be ignored because of our already overburdened criminal court system.

The amendment is decidedly civil in nature—not criminal. The sanctions imposed are capped at \$10,000, similar to a noncontroversial civil penalty established in title 1 of this bill under the money laundering section, and much less than the \$50,000 cap of a civil penalty for improper aircraft registration located in title 8 of this bill. And the amount of the penalty can be modified based on income or net assets. For individuals for whom \$10,000 constitutes an unreasonable hardship, the amendment provides flexibility to establish a lower penalty.

Due process is fully satisfied by allowing the individual penalized to go through a hearing process, and, if not satisfied, to have the matter brought before a Federal judge in district court. In no case will an individual be denied access to a full and fair hearing before a penalty is assessed.

The amendment calls on the Attorney General to determine what constitutes a personal possession amount for each of the drugs listed such as heroin, LSD, PCP, cocaine, and marijuana. Individuals caught with personal use amounts of drugs would still be liable for any criminal sanction on the books now, but in addition could be assessed this new penalty of up to \$10,000.

The additional civil sanction would in no way reduce the number of individuals now criminally prosecuted for possession of small amounts of drugs. What it would reduce is the number of individuals caught in possession of small amounts of controlled substances who are never charged for anything because someone thinks it isn't worth the effort to take them to court.

It should also be noted that the amendment is not meant to limit the options available to the Attorney General but to expand them. Therefore, the amendment gives complete freedom to the Attorney General to compromise, modify, or remit, with or without conditions, any civil penalty imposed under this section.

It's a simple amendment. And it's designed to send a very simple message. If you use drugs—and you get caught, expect to pay the price in either criminal or civil penalties or both. Society has become increasingly disgusted with the crime, death, and human waste that your dirty habit spawns. If the courts are too crowded to accommodate the millions of you who

commit these crimes every day, we will find another way to hold you accountable for what you do to our children, to our competitiveness, and our country. I urge my colleagues to support this very important amendment.

Mr. HUGHES. Mr. Chairman, I rise in strong opposition to this amendment. I have a great deal of respect for the gentleman from Oklahoma, but I disagree with him on this amendment.

This amendment seems to reflect either an intention to abandon the criminal justice system or else it could be construed as the decriminalization of possession of small quantities of drugs. Have your choice.

This amendment says that the criminal possession of a small quantity of drugs can be prosecuted civilly, and that a penalty of \$10,000 can be imposed.

This amendment places the Attorney General in four conflicting positions: First, as the prosecutor of the case; second, as the judge of the fairness of the proceedings; third, as the jury for finding facts and rendering a verdict; and fourth, as the judge for imposing sentence. We have never had a system in which the duty to prosecute is merged with the responsibilities to find facts and impose punishment. This does it.

Such a position would make the American system of adversarial justice almost an impossibility in these cases. As parents and as a Nation, we have told our children that possessing drugs is a crime, a serious crime, and that they will be arrested and go to jail if they use drugs. What messages are we sending by the Edwards approach? It is a confusing signal at best.

Are we saying the possession of drugs is simply an administrative matter like having a driver's license revoked or obtaining a newspaper joint operating agreement? Current law is very clear. Drug use is a crime. It is wrong.

This amendment says that possession of and personal use of small amounts of dangerous drugs, like cocaine, crack, heroin, PCP, and LSD is an administrative matter, that there is no moral taint involved. This dilutes the clarity of the law's educational role. This is a message that we should be sending, not the one that we are sending by the Edwards amendment, if it carries.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, first of all I would like to congratulate my chairman on the excellent work he has done in producing the part of this bill which came out of the Judiciary Committee and our Subcommittee on Crime.

The question I would ask the gentleman is this: We do believe we have to move the effort against drugs away from just simple interdiction or dealing with the supply to dealing with the demand. Would the gentleman tell me was there anything that this committee did last week that is dealing with that question of hitting the demand factor?

□ 1730

Mr. HUGHES. I might say to the gentleman, the gentleman well knows because he worked with myself and BILL MCCOLLUM in developing the user accountability provisions. What clearer signal could you be sending really to the American public? And that is, as we did with the McCollum-Hughes amendment last week, that if you are convicted of drug trafficking or if you have two user convictions and you refuse to go into a rehab program, you are going to have certain benefits denied to you. I do not know how much clearer we can be.

This sends the opposite signal.

Mr. MAZZOLI. That is right. So my chairman tells me and tells the House and tells the country that in fact we have dealt with user accountability, we did so in the amendments we passed last week.

Mr. HUGHES. Absolutely.

Mr. Chairman, I would like to point out that section 6401 of the bill, dealing with the sense of Congress that proposals to legalize illicit drugs should be rejected, says that we should consider "proposals to strengthen and expand penalties for sale and use." Unfortunately this amendment is most accurately seen as a lessening of penalties, otherwise, why would the amendment only be limited to personal use amounts? If this really strengthened the penalties, then the authors would have written this amendment to apply across the board to all possession cases. If we adopt this Edwards amendment we are saying that we don't take seriously our sense-of-Congress resolution on page 183. We are either against legislation or we are not.

I am also concerned, frankly, about the equal application of this provision. How is the Attorney General going to decide who gets a civil penalty proceeding and who gets prosecuted and risks going to prison?

Will middle- and upper-class drug users, who may be able to pay \$10,000 fines get civil penalties, while the poor, who would not be able to pay \$10,000 fines get criminal prosecutions, records of conviction and prison?

There is no question that the accusation that someone possesses and uses drugs is a very serious charge, and carries a great stigma with it. We need only recall the case of the Supreme Court nomination of Judge Douglas Ginsburg which was terminated by al-

legations of marijuana use. In a criminal case, the procedural protections of the accused, who is presumed innocent, are well known. In this civil penalty scheme, what procedural rights does a person have who is charged with such a serious offense?

It is clear that there is no right to a trial by jury of one's peers in these cases. Is there a presumption of innocence? If so, how is it maintained? One reason asserted for this approach is to eliminate the burden of proof of "proof beyond a reasonable doubt." Generally in civil matters the complainant's case is proven by presenting a mere preponderance of the evidence—in mathematical terms simply 51 percent of the evidence wins. Are we comfortable that we will be convicting people of drug offenses on proof well below the reasonable doubt standard we use in all other criminal cases?

What other constitutional rights safeguards are we eliminating by this approach for persons who are accused of drug offenses, who would—if this were a criminal matter—would be presumed innocent at the outset?

I wonder if the sponsor of the amendment can tell me, is there a sixth amendment right to representation by counsel in these cases if the accused cannot afford to hire counsel?

Mr. Chairman, there have been no hearings on this amendment.

This came out of the clear blue. I think it is a bad idea. We considered it in subcommittee, we considered it in full committee and I might say that many of my colleagues backed away from it on both sides of the aisle in our committee because frankly it does open up a Pandora's box. It is a bad amendment and I hope my colleagues will reject it.

Mr. Chairman, I reserve the balance of my time.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I rise in support of the Edwards amendment and urge my colleagues to adopt this valuable new tool for drug law enforcement. A theme in this year's drug legislation is user accountability. This was clearly demonstrated last week when this body adopted the McCollum amendment pertaining to eligibility for Federal benefits. Similarly, the Edwards amendment is intended to encourage Federal law enforcement to expand its efforts against drug users.

According to the language of this amendment, the Attorney General may assess a civil penalty of up to \$10,000 against anyone who is found in possession of a personal use amount of a controlled substance. After such an assessment is made, the accused may simply pay the fine or request an administrative hearing. Judicial review of the decision of the hearing is also

available. It is important to note that this new penalty does not take the place of any potential criminal sanction which may apply to the same conduct.

Mr. Chairman, the administration supports this amendment. The advantage of having such a penalty available is clear. The Department of Justice rarely has the opportunity to enforce Federal drug laws against users because of limited law enforcement resources. The expenditure of investigative and prosecutorial resources in small possession cases is simply not cost effective. However, by significantly reducing the Government's burden by creating the option of assessing a civil fine in small possession cases only, Congress can encourage greater Federal efforts against users.

This tool will be particularly valuable in Federal, State, and local cooperative efforts. A joint task force of this kind may target a certain geographical area with a zero tolerance operation. Every person found in possession of a controlled substance would be slapped with a Federal civil penalty, in addition to any other criminal sanction which may be pursued. This truly would be user accountability.

I strongly urge my colleagues to enact the proposal, Mr. Chairman. It is a key element of what is becoming a strong and bold statement by Congress to this Nation that drug use will not be tolerated.

Mr. HUGHES. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. I would like to ask a few questions of the gentleman from New York [Mr. FISH]. Mr. Chairman, I respect his appreciation of the constitutional rights of all of our citizens so much. I wonder whether or not this Edwards amendment in his opinion was a substitute for the McCollum amendment which dealt with user responsibility, the criminal sanctions?

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from New York.

Mr. FISH. I thank the gentleman for yielding.

Mr. Chairman, I do not quite understand the question. The McCollum amendment was adopted.

Mr. RANGEL. So this is in addition to the McCollum amendment which takes away the rights of those involved with drug abuse, violations in housing, education, veterans grants, and contracts, this is in addition to that, is that correct?

Mr. FISH. That is correct.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. I thank the gentleman for yielding.

It is in addition to it, Mr. Chairman, because the McCollum amendment addresses those problems with people who are using drugs who are also receiving Federal benefits. There are a large number of people who are drug users who do not receive Federal benefits and who go completely unscathed.

Mr. RANGEL. OK. Now I have some other questions. I only have 2 minutes.

That means that after a person has these Federal benefits taken away under the Edwards amendment it is also possible to fine them \$10,000.

Mr. EDWARDS of Oklahoma. If the gentleman would yield further, yes, it is possible that if somebody is receiving an SBA loan and is using drugs—

Mr. RANGEL. I would like to reclaim my time, because I am trying to get answers. I understood McCollum. I am just trying to get a better understanding of the amendment of the gentleman from Oklahoma [Mr. EDWARDS].

It is a further understanding that you can get the person on both of these but there is a \$10,000 limit and the Attorney General has the discretion in determining the fine.

Mr. EDWARDS of Oklahoma. If the gentleman would yield further, yes, that is true.

Mr. RANGEL. So it would mean that these defendants, I guess you could call them that, petitioners or whatever in the administrative action, it would be means tested? In other words, this would exclude the poor from having to pay the \$10,000 fine if they were found guilty under the civil administrative policy?

Mr. EDWARDS of Oklahoma. I would say to the gentleman that the person who is without the assets might find that they would be assessed a civil penalty of \$500 or \$1,000 or \$1,500 which would have as big a deterrent affect on them as would a much higher penalty on somebody who is in better circumstances.

Mr. RANGEL. But if a person was living below the poverty line, you would not ask them to be fined any amount of money? The Attorney General would not fine the poor, would he?

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. I thank the gentleman from Oklahoma for yielding to me.

I want to compliment the gentleman for bringing this much needed amendment to the floor of the House of Representatives. The gentleman from New Jersey [Mr. HUGHES] made a very strong case with regard to talking about decriminalization. Let me tell you what the case is down in south Florida where we have had actually decriminalization because these cases are not being brought to court at all.

The long and short of it is that the people who are going to be fined civil-

ly under this case have no accountability to any system, because we have a court system that is overheated and they are not being punished at all.

Also, I think it is very important for all of us to understand this does not take the threat of criminal prosecution away. It can even be used in addition.

To be ultimately fair—and I think the gentleman from New York was very right in bringing this to the attention of the House—that it does require the Attorney General to look at the assets of the person being involved. What we are trying to do is to punish them in some way.

Yes, a millionaire is going to be punished a lot more than an individual who is down near the poverty level. It is assessed just as we do now in civil cases as to punitive damages. The trier of fact is required to assess the value of the assets and the income of the individuals involved.

Let us not get broken down here in a bunch of rhetoric. What we are talking about is giving the Attorney General, as the chief law enforcement officer of the United States, an additional tool to use in this war against drugs which are illegally brought into this country and are being consumed.

If you believe in user accountability, vote "yes" on the Edwards amendment. It is imperative that we do get to these cases now that are falling through the cracks because they are not being prosecuted. They must be prosecuted in some way and the court system is overburdened to take care of them.

So vote "yes" on the Edwards amendment.

Mr. HUGHES. Mr. Chairman, I yield 2½ minutes to the gentleman from Kentucky [Mr. MAZZOLI], a valued member of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. MAZZOLI. Mr. Chairman, I rise with some reluctance but nonetheless in opposition to my friend from Oklahoma's amendment. I think if we had not last week adopted the Hughes-McCollum user accountability ineligibility amendment, then I think I would probably have voted for the gentleman's amendment. But let me just sort of reiterate that I think we have already acted and I think responsibly, assuming that the House passes this bill, to try to work on the supply side of this equation of supply and demand on drug abuse.

I think it is very clear that we have to continue our efforts on the supply, but we have to make new efforts in this effort to control the demand side. Now if I understand the gentleman's amendment correctly, there is no requirement that the individual who might forfeit \$10,000 be fined \$10,000 civilly, ever has to be found guilty of anything? I mean, this is an adminis-

trative action, it is not a judicial action in which there is the normal protection of counsel and ruling by the court. Am I correct in that?

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. I thank the gentleman for yielding.

Mr. Chairman, no, that is not correct.

Mr. MAZZOLI. That is not?

Mr. EDWARDS of Oklahoma. After the person is notified that the intention of the Attorney General is to levy a penalty, that person may ask for a hearing, is given the opportunity to ask for a hearing in which case all of the judicial protections are afforded him.

Mr. MAZZOLI. I am not exactly aware, I would ask my chairman: The question I raised with the gentleman from Oklahoma was about his amendment. It would occur to me from a very quick reading of it that there does not seem to be here a need to have a conviction, and absolute assurance that the individual who might forfeit \$10,000 be fined \$10,000, ever be found guilty of anything.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to my chairman.

Mr. HUGHES. No. The Attorney General in an administrative proceeding basically he becomes the prosecutor, the judge and the jury of the facts and metes out the sentence. It sounds to me like we are going to means test that. If they are very poor we run them through the criminal process.

Mr. MAZZOLI. I would ask my chairman if he could explain: Did the Hughes-McCollum amendment adopted by this House last week require at least that there be a conviction, a pattern and practice on behalf of those who would abuse before they are required to—

Mr. HUGHES. It requires the conviction of a felony offense, a trafficking offense with a prison term of more than 1 year and refusing to go into a rehab program or two convictions for user offenses within the period of 10 years.

Mr. MAZZOLI. So at least we are doing what the people who have shown a pattern and practice their intention to abuse the laws of the land and in those cases they should be ineligible.

Mr. HUGHES. The gentleman is absolutely right.

□ 1745

The CHAIRMAN. The Chair will announce that the gentleman from Oklahoma [Mr. EDWARDS] has 6 minutes remaining and the gentleman from New

Jersey [Mr. HUGHES] has 3½ minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, this particular Edwards amendment is an important part of the whole user accountability provision. Last week we adopted one amendment. This is part of three that I worked on with our Republican task force that originally came up with these items and, unfortunately, only one of them passed out of the Committee on the Judiciary. That one was clipped by the Rules Committee. We did get the support of the gentleman from New Jersey for it last week, and I am thankful for that.

That particular first amendment passed through this body, but it is only one of a triad. If we are really going to deter use, we are going to have to do some pretty tough things. We cannot just depend on the time-honored things that have gone on. We certainly cannot just depend upon the idea that you lose some Federal benefits. That is all we did last week. I think that was very important.

The fact is we need to come down on all kinds of folks in society who are using drugs. It would be nice to see use of laws on the books that make drug use criminal. In some cases that is the case, but the fact is our jails are flooded which is the reason why we had the provisions last week dealing with the Federal benefits.

Now, what we have is a civil fine which does not remove the criminal sanction possibility, but it gives another option at the Federal level. It has nothing to do with the State laws because we cannot do that. It adds an additional tool that says where you do not have the resources to go out and do this sort of thing on a criminal level, you can at least send this notice out and get a civil fine and you do have judicial protection for the person who is noticed on this particular incident. It is a valuable additional tool to do it. When you do that, the burden of proof is by the preponderance of the evidence instead of beyond a reasonable doubt.

This same criminal fine is used elsewhere in the law as in the false claims provisions of the procurement fraud laws. In the Bank Secrecy Act we passed not long ago there was a very common provision there and is already in this drug bill dealing with the aid provision where we are trying to deter criminals from doing what we do not want them to do, the same kind of civil fine procedure. It is not anything unusual. It is not anything unique. The same procedures are there, and surely ought to be able to take those

civil fine procedures and give law enforcement the supplemental tools to deter use.

We cannot win the war on drugs, as we said, unless we fight on the supply side, in the eradication area, in the interdiction area, in the law enforcement area with criminal laws and on the demand side with education and rehabilitation, and stiff ways of deterring use.

Now, there will be another one up on the driver's license in a couple of days, perhaps tomorrow. I think that is important, too. We need to put all of these things in sync together.

I have heard a lot of accusations against this particular use provision. I do not think any are true. If we want to be meaningful in this whole process, we have to understand that the civil sanctions, the civil fine Mr. Edwards of Oklahoma is offering, is absolutely essential to getting drug use off the streets.

If we want to have a sweep in New York City, the U.S. attorney's office could take this type of procedure and make an effort to do that. It would be a tremendous help, and we have the Attorney General requesting this, saying that this amendment would not take the place of criminal sanctions but provide the Justice Department with greater leeway than it currently possesses, and he strongly urges us to adopt it, and I urge it.

Mr. HOYER. Mr. Chairman, will the gentleman from Florida yield?

Mr. McCOLLUM. I am glad to yield to the gentleman from Maryland.

Mr. HOYER. Just so I understand what you just said. Let us say that the Attorney General decides to have a sweep in New York as you have just hypothesized.

Mr. RANGEL. Or Maryland.

Mr. HOYER. That is a chilling thought.

Mr. McCOLLUM. Against users.

Mr. HOYER. Do you speculate, therefore, that the fourth amendment protections against unreasonable searches would not apply?

Mr. McCOLLUM. Definitely apply to this as it would to any civil situation in our Federal law, the Procurement Fraud Act, Bank Secrecy Act, aids provision, it says notice is involved and all legal protections of the judicial system are built into it.

The burden of proof is a lower level by burden of proof of the evidence instead of beyond a reasonable doubt. Everything else is built into this process.

I would be glad to yield to the gentleman from Maryland.

Mr. HOYER. If the amendment found in such a sweep was such to give rise to the presumption that it was for sale and not for personal use, this would not apply?

Mr. McCOLLUM. That is correct. By regulation, the Attorney General de-

termines what a personal use amount is, and that is a very small amount by our intent and it would not apply to anything large enough to indicate a trafficking offense.

Mr. HUGHES. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, make no mistake. If you adopt this amendment you are effectively buying a decriminalization amendment of small amounts of narcotics. The reason for that is because you are creating a civil penalty for small amounts, possession of small amounts, and that you are not creating for big amounts.

The whole idea is to go the civil way instead of the criminal way because there is a lower burden of proof.

Now, if you want to go out to your constituents and tell them you have effectively accepted decriminalization of small amounts of drugs or any amounts of drugs, fine. That is not what my people are telling me that they want. They want tougher penalties on drug possession, not to make these possession offense civil offenses. That is what the McCollum amendment did.

Mr. EDWARDS of Oklahoma. Mr. Chairman will the gentleman yield?

The gentleman is misstating the facts.

Mr. GLICKMAN. Second, this is an unconstitutional amendment because utilization of its provisions will be largely based on the abilities to pay the fines. A very rich person who is subject to this particular provision will, in all likelihood, be treated differently than a very poor person. That clearly violates the 14th amendment to the Constitution, the equal protection clause. Therefore, I think the provision will be struck down.

Third of all, the gentleman talked about the False Claims Act. I am the author of the False Claims Act and the courts have ruled that you cannot use civil penalties punitively, in effect criminally, the civil penalties must be related to the harm caused the United States of America if it is a Federal statute. False Claims provides civil penalties because you have defrauded the United States of America. Security laws provide civil penalties because you have defrauded the individuals, but to use civil penalties, in effect, for a punitive purpose clearly violates the Constitution. It would be nice to make all crime civil.

Mr. EDWARDS of Oklahoma. I would say the gentleman is strongly misstating the amendment not to read it; 21 U.S.C. 844 would continue to be in effect. This amendment specifically provides that all criminal penalties would continue to be on the books. This is an additional penalty. The gentleman is misstating the amendment.

Mr. GLICKMAN. As a practical point of view, we are decriminalizing certain possessions of drugs, period, and unconstitutionally creating a civil offense out of a criminal offense.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] has 1 minute remaining, and the gentleman from Oklahoma [Mr. EDWARDS] has 1 minute remaining.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield my final minute to the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. I had not planned to take part in this debate. I think, though, what we had is a debate that centers around the ideological issues that are confronting us instead of the reality. The reality is that we already have decriminalization for small amounts. Our Federal law enforcement officials are not arresting people if they have certain amounts below a prescribed level. That is the reality of it. We have decriminalized it.

It is because our court systems are overloaded and our jails are too full and every criminal in this country knows it. If you do not want to have a problem, just make sure that the amount of illegal substance that you are carrying is below a set level. Whether it be for local, State, or Federal, and each one has a different level. But the reality is that that provides decriminalization.

Mr. HUGHES. Mr. Chairman, I yield myself the balance of my time.

My colleague, the gentleman from Oklahoma [Mr. EDWARDS] cannot have it both ways. If it is not decriminalization, and I believe it is, what he is saying basically is that if you are a drug pusher, he will face criminal penalties, but if a person happens to be a poor user, they face both criminal penalties and civil penalties.

Now, I say to my colleague, I do not have a problem with what is happening because, frankly, if it looks like duck and it quacks like a duck and walks like a duck, it is a duck. This is decriminalization.

Do not argue that what we should be doing is putting more money, more resources into the criminal justice system because, frankly, you will not get debate on this side. We all know we should be doing that. It is a flimsy excuse to justify the de jure decriminalization because, in fact, we may have de facto decriminalization because we have not done our job by putting more money into U.S. attorneys, the FBI, DEA and prison construction. That is what the bill does.

My taxpayers say they do not want decriminalization. I urge a "no" vote.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Oklahoma [Mr. EDWARDS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. EDWARDS of Oklahoma. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device; and there were—ayes 293, noes 115, not voting 23, as follows:

[Roll No. 315]

AYES—293

Alexander	Fish	Madigan
Anderson	Flippo	Manton
Andrews	Frenzel	Marlenee
Annuzio	Frost	Martin (IL)
Applegate	Galleghy	Martin (NY)
Archer	Gallo	Martinez
Army	Gaydos	Matsui
Aspin	Gekas	Mavroules
Baker	Gibbons	McCandless
Ballenger	Gilman	McCollum
Bartlett	Gingrich	McCrery
Barton	Gordon	McCurdy
Bateman	Gradison	McDade
Bennett	Grandy	McEwen
Bentley	Grant	McGrath
Bereuter	Gregg	McMillan (NC)
Bevill	Guarini	Michel
Bilbray	Gunderson	Miller (OH)
Bilirakis	Hall (OH)	Miller (WA)
Billey	Hall (TX)	Molinari
Boehrlert	Hamilton	Mollohan
Boggs	Hammerschmidt	Montgomery
Boland	Hansen	Moorhead
Bonker	Harris	Morrison (WA)
Borski	Hastert	Murtha
Bosco	Hatcher	Myers
Boulter	Hayes (LA)	Natcher
Brennan	Hefley	Nelson
Broomfield	Hefner	Nichols
Brown (CO)	Henry	Nielson
Bryant	Herger	Nowak
Bunning	Hiller	Ortiz
Burton	Hochbrueckner	Owens (NY)
Bustamante	Holloway	Owens (UT)
Byron	Hopkins	Oxley
Callahan	Houghton	Packard
Campbell	Hubbard	Parris
Chandler	Huckaby	Pashayan
Chapman	Hunter	Patterson
Chappell	Hutto	Payne
Clarke	Hyde	Penny
Clement	Inhofe	Pepper
Clinger	Ireland	Perkins
Coats	Jacobs	Petri
Coble	Jeffords	Pickett
Coelho	Jenkins	Pickle
Coleman (MO)	Johnson (CT)	Porter
Combest	Johnson (SD)	Price
Conte	Jones (NC)	Pursell
Costello	Jones (TN)	Quillen
Coughlin	Jontz	Rahall
Courter	Kanjorski	Ravenel
Craig	Kaptur	Ray
Crane	Kasich	Regula
Dannemeyer	Kemp	Rhodes
Darden	Klecza	Richardson
Daub	Kolbe	Ridge
Davis (IL)	Kolter	Rinaldo
Davis (MI)	Konnyu	Ritter
de la Garza	Kyl	Roberts
DeLa	LaFalce	Robinson
Derrick	Lagomarsino	Roe
DeWine	Lancaster	Rogers
Dickinson	Lantos	Roth
Dicks	Latta	Roukema
Dingell	Leach (IA)	Rowland (CT)
DioGuardi	Leath (TX)	Rowland (GA)
Dornan (CA)	Lent	Salki
Dreier	Lewis (CA)	Sawyer
Dyson	Lightfoot	Saxton
Eckart	Lipinski	Schaefer
Edwards (OK)	Livingston	Schneider
English	Lloyd	Schroeder
Erdreich	Lott	Schuetz
Espy	Lowery (CA)	Schulze
Fascell	Lujan	Schumer
Fawell	Lukens, Thomas	Sensenbrenner
Feighan	Lukens, Donald	Sharp
Fields	Lungren	Shaw

Shays
Shumway
Shuster
Siskiy
Skeen
Skellton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny
(OR)
Smith, Robert
(NH)
Smith, Robert
(OR)
Snowe
Solomon

Spence
Spratt
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tausin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Traxler

Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wise
Wolf
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NOES—115

Ackerman
Akaka
Frank
Gejdenson
Gephardt
Glickman
Gonzalez
Gray (PA)
Green
Hayes (IL)
Hert
Hoyer
Hughes
Kastenmeier
Bruce
Kennelly
Kildee
Kostmayer
Lehman (CA)
Lehman (FL)
Leland
Conyers
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Markey
Mazzoli
McCloskey
McHugh
McMillen (MD)
Meyers
Mfume
Miller (CA)
Mineta
Moakley
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Nagle

Ford (TN)
Neal
Oakar
Oberstar
Obey
Olin
Panetta
Pease
Pelosi
Rangel
Rodino
Rose
Rostenkowski
Roybal
Russo
Sabo
Savage
Scheuer
Sikorski
Skaggs
Smith (FL)
Smith (IA)
Solarz
St Germain
Staggers
Stokes
Studds
Swift
Synar
Udall
Vento
Visclosky
Walgren
Weiss
Wheat
Williams
Wolpe
Yates

NOT VOTING—23

Badham
Barnard
Buechner
Cheney
Collins
Dixon
Dowdy
Dymally

Emerson
Garcia
Goodling
Gray (IL)
Hawkins
Kennedy
Lewin (FL)

Mack
MacKay
Mica
Stark
Towns
Waxman
Wortley

□ 1815

The Clerk announced the following pairs:

On this vote:

Mr. Emerson for, with Mr. Towns against.
Mr. Lewis of Florida for, with Mrs. Collins of Illinois against.

Messrs. SMITH of Florida, FOGLIETTA, SOLARZ, LELAND, and SKAGGS changed their vote from "aye" to "no."

Mr. JEFFORDS and Mr. LANTOS changed their vote from "no" to "aye."

Mr. UDALL changed his vote from "present" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1815

LEGISLATIVE PROGRAM

(By unanimous consent, Mr. McCOLLUM was allowed to speak out of order for 1 minute.)

Mr. McCOLLUM. Mr. Chairman, I would like to inquire of the gentleman from New York what the schedule for the balance of the evening is, and I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, it is the intention of the leadership to entertain the next amendment to be offered by the gentleman from Florida [Mr. SHAW], which is 5 minutes of debate on each side, and to conclude after that and rise.

Mr. McCOLLUM. May I ask, does the gentleman expect we will return to the drug bill tomorrow?

Mr. RANGEL. It is the intention of the leadership that we return at noon tomorrow to the drug bill.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman very much.

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida is recognized to offer an amendment.

AMENDMENT OFFERED BY MR. SHAW

Mr. SHAW. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHAW:

(e) MANDATORY CONDITION OF PROBATION.—In each of the judicial districts in which the demonstration program is in effect, it shall be an additional, mandatory condition of probation for any defendant convicted of a drug-related offense, as determined by the judge, that such defendant refrain from any use of any controlled substance (as defined in section 102 of the Controlled Substances Act) without a prescription by a licensed medical practitioner. Each probation officer shall provide for the random testing of probationers who are under that probation officer's supervision and to whom this condition applies, for the illicit use of such substances.

Redesignate succeeding subsections accordingly.

Mr. HUGHES. Mr. Chairman, I rise in opposition to the Shaw amendment.

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. SHAW] will be recognized for 5 minutes and the gentleman from New Jersey [Mr. HUGHES] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. FLIPPO].

Mr. FLIPPO. Mr. Chairman, because of the grave threat of drug abuse in this country, I rise in strong support of passage of the Omnibus Drug Initiative Act, H.R. 5210. The Omni-

bus Drug Initiative Act will extend, and expand the the Anti-Drug Abuse Act of 1986. The 1986 law marked an important step in the development of a long-term strategy in the war on drugs. However, more is needed.

We have asked our children to "just say no" to drugs, but we need to do more to help prevent this menace of drugs from endangering our schools, workplaces, streets, and families. We in Congress must let the schoolchildren of this country know that we will do all that we can to try to protect them from the ruinous effects of drugs. H.R. 5210 addresses the need for a coordinated national program to improve interdiction of the supply of drugs coming into the United States, enforcement of drug laws against drug traffickers, the treatment of drug users, and education of our young people about the dangers of drugs.

Congress has already indicated its dedication to the war on drugs by approving amendments to the Omnibus Drug Initiative Act that provide the death penalty for drug kingpins and that deny Federal benefits to habitual drug offenders.

A 1986 Gallup survey indicated that when teenagers were asked to name the biggest problems facing young people today, drugs led their list. No other issue approaches this level of concern. Government leaders, parents, educators, and students are joining together to keep our schools drug-free and to work to eliminate this devastating threat to the health and well-being of our children.

Drug education must make clear to students the shattering results of drug use. Schools, along with families and religious institutions, are major influences in transmitting ideals and standards of right and wrong. Because of drugs, children are failing, suffering, and dying. The drug situation in this country is everyone's problem and the time to address the problem is now.

Too many of America's children die in the silent grip of an insidious narcotic killer that most of them do not understand. Too many innocent citizens fall victims to the spreading violence that rages around the drug trade, erupting not just in the heart of the cities, but in the quiet communities as well—wherever dealers can turn a profit.

Experts say Americans spend more than \$100 billion on drugs annually. That means drug sales are larger than the total net sales of the General Motors Corp., and that drug dealers make more money than all of America's farmers. Even more disturbing is the \$100 billion this Nation loses each year in higher health costs, drug-related crime and violence and lost productivity.

We must realize that only the most thoughtful and comprehensive programs can brake the rampant growth of illegal drug trade in this country. Endless political rhetoric cannot deflect the onslaught of crime and addiction sparked by the greed of unscrupulous drug dealers, nor can it protect our young people from the barrage of dangerous misinformation, peer pressure, and easily available drugs they must face in today's society. To win the battle against drugs, we need not only strong law enforcement, but also a well-planned strategy to fight demand.

The Omnibus Drug Initiative Act will help us to show young people at risk of drug addiction

that we care and want to restore their hope for a better life. Provisions in the bill which help move us toward our goal of drug-free schools include drug abuse education and prevention programs targeted to the youth at high risk; a grant program for States with the aim of developing more effective juvenile justice programs for youth who use drugs and to provide young people and their families referral to education, prevention, treatment and rehabilitation; funds to expand innovative, community-based volunteer drug abuse education and prevention services; as well as funds for drug counseling in schools.

The economic and social costs of drug trafficking and addiction are astronomical. The war on drugs will include some long and hard battles, but Congress must move forward and address the difficulties head on. Therefore, I urge my colleagues to join with me in strongly supporting the Omnibus Drug Initiative Act.

Mr. SHAW. Mr. Chairman, I yield 2½ minutes to the gentleman from New York [Mr. DIOGUARDI], the coauthor of this amendment.

Mr. DIOGUARDI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this commonsense amendment provides for mandatory drug testing for prisoners charged with a drug related crime and who wish to be released on probation. Given the indisputable correlation between illegal drugs and serious crime, a comprehensive system of drug testing must be instituted to guarantee that criminal offenders of Federal controlled substance statutes are not at liberty to further threaten our citizens. Careful scrutiny of the current probation system reveals that, with the absence of this policy, the penal system has strayed considerably from its declared intent. This amendment represents a progressive reform in the incarceration process as it injects a semblance of accountability, absent as of now.

The most compelling argument behind mandatory drug testing for probation stems from the current reservoir of irrefutable evidence linking crime and drug use. While recent studies may document a decline in the rate of drug abuse by the general population, the trend is just the reverse among those in the criminal community. A recently released study by the National Institute of Justice reported that an average of 70 percent of the men arrested for serious crime in American cities tested positive for illegal drugs at the time of their arrest; and in some cities, the number approached the 80-percent mark. In addition, little variation could be discovered among racial and ethnic groups. In short, it is fair to conclude that drugs do not discriminate.

This report confirms what law enforcement officials have been saying for years: there is an inherent relationship between drug use and serious

crime. Illegal substances either directly promote criminal behavior or are the driving force for criminals trying to finance expensive habits. At a time when a whole host of intangibles are cited as factors for criminal behavior—it is finally possible to isolate a single, undeniable catalyst for crime: drug abuse. In fact, Mr. James K. Stewart, director of the National Institute of Justice, stated, "... socioeconomic class, education, previous criminal histories, didn't have much predictive power in terms of helping us decide who the high rate offender was. But the one thing they had in common was multiple drug use."

Unfortunately, despite this knowledge convicted felons who abuse illegal substances are being allowed out on our streets under probation without any safeguards. I liken the release of substance abusers without safeguards to ignoring the ticking of a time bomb.

I am aware that probation is a technique that is being utilized to deal with the terrible overcrowding we are now experiencing in our Nation's prisons. It may be argued that this amendment would further contribute to overcrowding problems. The National Institute of Justice has found just the opposite: by weeding the high rate offenders out of the probation programs, the systems intake would be reduced, a case of simple ebb and flow. Drug testing as a condition of probation is a way to hedge our bet that the criminal in question is indeed an acceptable candidate for probation.

I sincerely hope that cries of civil liberties are absent from this debate. While certain other testing programs associated with the criminal justice system—pretrial and sentencing evaluation for example—may warrant constitutional debates, this one does not.

To summarize Mr. Speaker, the deteriorating effects of substance abuse are a priority domestic concern. It is only appropriate that the Congress translate that concern into concrete legislation. Dr. Wexler, one of the foremost criminal experts in our country, has silenced doubts concerning the link of crime and drugs with his comment, "It's been demonstrated that if you reduce the use of drugs, you reduce the crime rate. That's been demonstrated many, many, many times."

Hopefully, Members of Congress will heed his message rather than underestimating the magnitude of the problem we face. I implore my colleagues to take the lead on this issue and vote for this amendment moving us toward ensuring that the number of substance abusers released from jail to our streets is zero.

Mr. HUGHES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in reluctant opposition to the amendment. I can appreciate what the gentleman from

Florida is trying to do; however, current law already provides for drug aftercare; that is, drug treatment and extensive urinalysis of every Federal convict on probation or parole who has a history of drug dependency. That is already part of our law. That program has been extensively reviewed by the Crime Subcommittee, on which I am privileged to serve. We have reviewed that program since 1981.

In this bill, on page 196, we increase the authorization for the Drug Aftercare Program by \$10 million and \$24 million in fiscal year 1989. We have always run out of money. We have not had sufficient resources to do the testing in the past.

This program is now supervising over 10,000 drug-dependent Federal offenders. The number of drug-dependent offenders under supervision has increased by 81 percent in the past 4 years.

The problem with the gentleman's amendment is that it focuses on the offense and not the offender. A drug-dependent offender may commit any type of crime that will bring financial reward to pay for his drugs. Mail fraud, bank robbery, embezzlement, theft, they are not what we call drug-related crimes.

Our prisons are full of people who are addicts who are in there in prison because they have committed property crimes. They do not fit the definition.

The gentleman's amendment is both overinclusive and underinclusive. There are high level drug traffickers who have never used drugs, who are just in it for the money. They do not have a drug dependency. There are thousands of drug-dependent offenders who have never been prosecuted for drug-related offenses.

Indeed, as I have indicated, the vast majority of people in prison are in there for property-related crimes.

The gentleman has tacked on the amendment a provision that we developed in committee. That provision basically sets up five new pilot programs, which in essence is going to try to test individuals coming into the criminal justice system, often for the first time, to see whether they test positive for drugs. That program is going to be in five districts around the country, to try to find out a little more about the Federal system so we can determine as policymakers whether we should be doing a better job of testing as people come into the system.

Much as the National Institute of Justice did with State and local jurisdictions, we ran tests in both New York and Washington. We found that upward of 75 percent of the people coming into the criminal justice system at the State level are testing positive for drugs.

It makes no sense to mandate that people going out on probation for

drug-related crimes be tested in every instance, for the reason that not every drug-related offender is a user. The traffickers in many instances are not users.

It is the Administrative Office of the Courts that has the discretion in determining basically who we should be testing.

I think when we start spending \$170 for each test in a system that is already short of resources, we are wasting resources. That is my only problem with the amendment.

I think it is basically not reaching the people that we need to be testing and it is overtesting in those areas where we do not need to test.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would like first of all to tell the gentleman that in the District of Columbia it is estimated that the amount of chemicals needed to conduct a test only costs \$7.

Also I was somewhat taken by the gentleman in referring to the fact that we talked about only drug-related crimes, because I believe it was the gentleman's amendment and the gentleman's idea, with which I happen to agree, that it was not necessary to extend it to all crimes, but just drug-related crimes for purposes of this study.

Mr. HUGHES. Mr. Chairman, I reserve the balance of my time.

Mr. SHAW. Mr. Chairman, I yield 1 minute to the ranking member of the Select Committee on Narcotics Abuse and Control, the gentleman from New York [Mr. GILMAN].

□ 1830

Mr. GILMAN. Mr. Chairman, I rise in support of the Shaw drug testing amendment to title VI. The legislation, as crafted by the Judiciary Committee, provides for the creation of a Demonstration Program of mandatory pretrial testing of criminal defendants. This Shaw amendment simply requires mandatory testing as a condition of probation for those in the program when eligible, and would subsequently require these individuals to remain drug-free throughout their term of probation.

H.R. 5210 requires the Judicial Conference of the United States to select five Federal judicial districts in which to carry out the Demonstration Program, so that the group selected represent a mix of districts on the basis of criminal caseload and the types of cases in that caseload. Under this program, mandatory drug testing would take place on a pretrial basis. Congressman SHAW's perfecting amendment would carry this concept through the entire process, by man-

dating that a convicted individual who participates in this demonstration project, maintain a drug-free status in order to be considered for probation, as well as a continued condition of probation.

Mr. Chairman, this new omnibus drug legislation has brought forth many new proposals. One of these is user accountability. The Shaw amendment to that new Demonstration Program requires criminal defendants to remain drug free. Not only at pretrial detention as the legislation would allow, but also throughout the course of that individual's participation in the program. By making drug testing a mandatory condition of probation, both before and after release, the American people are making clear their support for a comprehensive and coordinated approach to the overwhelming drug abuse problem that is plaguing this Nation.

Accordingly, Mr. Chairman, I support this amendment wholeheartedly, and as ranking minority member of the Narcotics Select Committee I urge our colleagues to support this proposal.

Mr. SHAW. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think it is important to understand what this amendment does. It places no more requirement on a convicted criminal who has served only a portion of his time and is getting off for one reason or another. I subject him to the same test that the NFL subjects our football players to, and it subjects only those who are convicted of a drug-related crime.

We know that second offenders, people who go back in the revolving doors in and out of our jails, who are involved in drugs, if they can be kept drug clean we have a good opportunity to: First, catch the drug habit before they go out and commit another crime; and second, we have an opportunity to keep them off of drugs and keep them out of prison.

It costs over \$13,000 a year to house a prisoner in this country. This gives us a good opportunity to be sure that those who are let out on probation are, indeed, meeting requirements of their probation and they are staying off of drugs.

This is a very important bill. It simply is an extension of the pretrial provision that is already in the bill, and it affects only those who are convicted and let off early.

Mr. HUGHES. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, there are two basic problems with the gentleman's amendment. I strongly support the testing of probationers, but this amendment would mandate testing for those defendants with a drug-related offense, whatever that term means, and it is tied just to the five demonstration projects that we have developed in the

bill. That makes no sense. We already test people going out on probation and parole. We test those that are addicts. I urge a vote against the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. SHAW].

The amendment was agreed to.

Mr. HASTERT. Mr. Speaker, I am very hopeful that the drug legislation we have been working on will be a strong deterrent in the drug wars we are fighting in nearly every community in our Nation.

The legislation before us includes some new and creative approaches and messages to drug dealers and importers. The surveys I've taken in my congressional district, indicate that drugs, and the crime associated with drug use, are just as real concerns in northern Illinois as they are in Texas, Florida, California, and New York. The very first advisory group I created in my district was one to advise me on drug and alcohol abuse.

We are concluding that we need a more innovative approach to take the incentives away from drug dealers. Imposition of the death penalty, significantly harsher sentences and fines and loss of certain Federal benefits, I believe, will help accomplish that.

The new laws we are creating here today will impact our Federal system of justice. But they are just as important in establishing a national policy to be duplicated on State and local levels.

Our law enforcement agencies should be commended for their efforts to date. With this legislation, hopefully we will give them some new tools to use in our escalation of the war on drugs.

Mr. RANGEL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. FOLEY] having assumed the chair, Mr. CARR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5210) to prevent the manufacturing, distribution, and use of illegal drugs, and for other purposes, had come to no resolution thereon.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL MIDNIGHT, FRIDAY, SEPTEMBER 16, 1988, TO FILE REPORTS ON S. 659 AND H.R. 5056

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight, September 16, 1988, to file the reports on S. 659, the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1988 and H.R. 5056, the Agricultural Research Act of 1988.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT OF ATTENDANCE BY MEMBERS AT INTER-PARLIAMENTARY UNION MEETING

Mr. PEPPER. Mr. Speaker, tomorrow afternoon I, as chairman of the United States delegation of the Inter-parliamentary Union meeting in Sofia, Bulgaria, leave for that conference.

The Speaker has appointed me as chairman of the delegation, and the gentleman from California [Mr. BROWN], the gentleman from New York [Mr. SCHEUER], the gentleman from New York [Mr. WORTLEY], and the gentleman from Guam [Mr. BLAZ] as delegates from the House of Representatives to attend this conference.

This is an organization of 108 nations embracing all the nations that are our closest friends in the world.

Mr. Speaker, I ask that the gentleman appointed by the Speaker to attend this conference be granted a leave of absence during the time they are attending this conference by the House of Representatives.

The SPEAKER pro tempore (Mr. CLARKE). Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the motion offered by the gentleman from Pennsylvania [Mr. McDADE] concerning the military pay raise in H.R. 4781.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

CPL. MARK KEVIN MURPHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, the police force in Prince Georges County, and indeed our entire community suffered a terrible loss last week which we cannot understand.

Cpl. Mark Kevin Murphy, a much decorated 14-year veteran of the Prince Georges County Police Force and a 10-year member of the Elite Emergency Services Team of the Special Operations Division was shot and killed while serving as point man on a police raid. The tragedy is magnified by the fact that one of Corporal Murphy's fellow officers mistakenly fired the fatal shot.

As hard as we may try, it is beyond human capability to make sense of this tragedy. One of his fellow officers called Mark Murphy, "the finest example of Prince Georges County's finest."

We ask why a young man of such accomplishment has been taken from his family, his friends, and his brothers in the police force. We ask why a young man of such promise has been taken from all of us in the community which he served and protected. There are no answers for us.

As is so often the case, the purpose of the raid in which Corporal Murphy lost his life was to apprehend drug dealers. While we in Congress are debating a new initiative to wage the war on drugs, we should remember that our police officers are on the front lines everyday. They risk, and all too often lose their lives, so that the citizens of our Nation may live in safety.

Every police officer is a hero, and none more so than Cpl. Mark Murphy who gave his life for us.

Mark Kevin Murphy was born in Tacoma, WA, in 1953. He came to Washington after graduating from high school and worked at the Federal Bureau of Investigation as a fingerprint technician.

In 1973, Mark Murphy joined the Prince Georges County Police Department. He served for 2 years following his graduation from the police academy with the bureau of patrol, Seat Pleasant Station. Due to his outstanding performance, he was transferred to the special operations division. In 1978, he joined the emergency services team.

As a member of the emergency services team, he participated in more than 250 hostage-barricade situations and over 600 vice raids. During his career he received more than 50 letters of merit. In 1986, he was recipient of the police department's Silver Medal of Valor. He also received four awards of merit.

Cpl. Mark Murphy leaves his wife, Rose Decesaris Murphy; his daughter, Danielle Murphy; his stepdaughter, Natalie Crossland; his parents, Maurine Vick and Miles Murphy; and his two brothers, Kelly and Timothy Murphy. Our hearts and our prayers go out to them in our loss.

The loss of Corporal Murphy is keenly felt by his brothers and sisters in the Prince Georges Police Department. During his memorial service, one of them, Matthew "Buzz" Sawyer, the president of the Fraternal Order of Police Lodge 89, delivered a moving eulogy. I would like to share his remarks with my colleagues in the House:

REMARKS OF M.J. "BUZZ" SAWYER, PRESIDENT, FRATERNAL ORDER OF POLICE, PRINCE GEORGES COUNTY LODGE 89 AT THE MEMORIAL SERVICE FOR CORPORAL MARK KEVIN MURPHY ON SEPTEMBER 3, 1988.

Mark Murphy, husband, father, and son; Mark Murphy, police officer and friend. Mark Murphy is a lot of things to a lot of people. Mark is my brother! Not of blood—but of profession. Both Mark and I chose a career in law enforcement and in doing so we joined a very special family. A proud

family, an elite family, a family bonded together out of necessity—bonded out of compassion, out of love for our nation and the citizens we serve, and bonded together to see the good in our nation preserved.

Like all families, there are happy times, and there are the sad times. But strong families endure; they endure by coming together to find strength, they endure by remembering; they endure by supporting one another; and as time passes, we will look back, we will reflect, and we will remember the good times and the love and friendships we shared.

Today we are all here to celebrate the brotherhood we all shared with Mark. We are here to show our support to Mark's family. This is certainly not a happy time for our police family. But rest assured, there will be many kind, loving stories told about Mark and his special contribution to his profession. Rest assured, there will be many personal memories of Mark and the contributions he gave to his community and his Nation. Rest assured that our brother Mark will not be forgotten. We will remember.

Gary is also my brother. And my heart goes out to him. None of us can even imagine his pain. For the next 30 days the officers of Prince Georges County will drape their badges in memory of Mark; and we will patrol our streets with headlights beaming in support of our brother Gary. As a family, we can do no less. Gary, please trust that your police family understands and will help you through this tragic time. And to Mark, we say to you, "Well served peace officer, may you rest in peace."

Mrs. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I am happy to yield to the gentleman from Maryland.

Mrs. BENTLEY. Mr. Speaker, I want to commend my colleague, the gentleman from Maryland [Mr. HOYER] for paying tribute to Corporal Murphy, and to express the sympathy of himself and the rest of the Maryland delegation to the family for this very tragic loss.

It is, indeed, rather coincidental that this all happened and that we are at this time, as the gentleman said, discussing the drug bill and voting on it now.

Corporal Murphy was certainly in the forefront in trying to stave off what is destroying our country.

□ 1845

LEGISLATION TO SERVE TENNESSEE VETERANS

The SPEAKER pro tempore (Mr. CLARKE). Under a previous order of the House, the gentleman from Tennessee [Mr. GORDON] is recognized for 5 minutes.

Mr. GORDON. Mr. Speaker, today I have introduced a bill that will allow the Veterans' Administration and the State of Tennessee to work as partners and serve a pressing need of veterans of our country's Armed Forces.

This bill, H.R. 5301, will establish the first State veterans home in the State of Tennessee on property next to a veterans hospital which is appropriately named for one of our Nation's most honored war heroes—the Alvin

C. York Medical Center, located in the city of Murfreesboro.

The State Veterans' Home Program is a sensible idea, brought to fruition by an act of Congress, that brings State and Federal agencies together for the common good. Both the Veterans' Administration and the States contribute to the cost of constructing veterans homes.

In this case, the State of Tennessee has agreed to construct its first veterans nursing care facility, with financial assistance from the Veterans' Administration, and to operate the facility.

Tennessee's first choice as a place for this facility is what I believe to be an ideal location—on lush, wooded property that already holds a major veterans hospital, along with a VA-owned golf course and other facilities.

However, in order for the State to perform the service of building this veterans home, the property for it, estimated to be 5 to 7 acres, must be transferred from Federal to State ownership. That is what my bill does by authorizing the transfer to the State of Tennessee of up to 7 acres of VA property adjacent to the Alvin C. York Medical Center.

Ladies and gentlemen, we have here an opportunity to bring another State into a fine, commonsense program designed to serve those who served their country with pride and honor. It will not cost the Federal Treasury a dime, and, in fact, may even save money that would otherwise have to be spent to purchase property for the veterans home at another location.

Our veterans have sacrificed so much to protect the freedoms we enjoy in this country. This is a perfect opportunity for us to recognize their efforts and say thank you.

I ask for your support for this worthy project.

HOUSE JOINT RESOLUTION 653— JOINT RESOLUTION TO DESIGNATE NATIONAL CULINARY WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce House Joint Resolution 653, a joint resolution to designate October 14–20, 1988 as "National Culinary Week." This will coincide with the International Culinary Competition held in Frankfurt, West Germany. The American Culinary Team has been competing in this competition since 1964. The team is sponsored by the American Culinary Federation and the National Restaurant Association U.S. Culinary Team Foundation. This nonprofit organization finances and promotes the U.S. culinary team.

The National Restaurant Association is the leading trade association for the foodservice industry. The NRA represents all facets of the foodservice industry, including restaurants, cafeterias, clubs, contract foodservice management, drive-ins, caterers, institutions, and others engaged in the preparation of food away from home. While the NRA is well-known for its lobbying efforts in Washington and State legislatures, it also is active in edu-

cation and research for the foodservice industry. The NRA has 10,000 members across the country.

The American Culinary Federation is a professional, educational, and fraternal organization of chefs and cooks. The federation was founded in 1929 in New York and since that time has grown to over 17,000 members nationwide with nearly 200 chapters. The ACF provides the means for chefs and cooks to receive education, training, and experience in the culinary profession.

Over the years that the United States has been competing in the International Culinary Competition the team has done increasingly well in competition. This is illustrated by the contrast between the 1968 team, which won no medals and the 1984 team, which won gold medals in both the hot and cold food competitions. The 14-member 1988 team has been preparing for over 2 years for the competition in Germany. This year's entries will reflect the trend in the United States toward lighter, more healthy foods and will feature new creations developed by the team members. This year's competition promises to be very exciting.

In addition to the culinary competition team, the ACF also provides many educational opportunities to chefs and cooks across the country. First, there is the American Culinary Federation Educational Institute [ACFEI], which recognizes superior culinary schools through an accreditation program. The ACFEI also sponsors the National Apprenticeship Training Program for Cooks, a program recognized by the U.S. Department of Labor. The program consists of a 3-year earn-as-you-learn program combining classroom instruction and employment with a certified chef. Successful completion of the program allows participants the opportunity to enter the culinary field as a certified cook. Presently 84 apprenticeship programs are in operation across the country. A chef certification program is another one of the activities performed by the ACFEI. Certification ranges from certified cook or certified pastry chef to certified executive chef.

Through the ACFEI a chef can be recognized as a certified master chef.

The ACFEI offers financial assistance to qualified culinary students to pursue their education and educational seminars are a large part of the activities at the annual ACF convention, which over 700 members attended last year. The American Academy of Chefs is the honor society of American chefs which is associated with ACF. In addition to the Olympic team sponsored by the ACF, the federation also sponsors many culinary competitions during the year. These competitions are the first experience many chefs have in culinary competition.

The ACF and the NRA are dedicated to the preservation and expansion of the culinary profession in the United States. These organizations have succeeded in allowing American chefs to successfully compete against European chefs. The accomplishments of the American culinary team are commendable. I find the accomplishments of the culinary profession of particular interest, as my parents operated a restaurant in Monterey after their arrival in the United States. I know first hand

the work and dedication needed in the culinary profession. The men and women who make up the American culinary profession deserve to be recognized for their contributions. I urge my colleagues to join me in sponsoring the resolution I am introducing today to designate October 14-20, 1988, as "National Culinary Week."

A copy of the resolution follows:

H.J. RES. 653

Whereas in 1988, the food-service industry will sell Americans food and services amounting to over \$213,000,000,000;

Whereas such sales will account for 41 percent of the dollars spent by Americans on food;

Whereas the food-service industry has successfully adjusted to recent changes in the life-style and diet of Americans and will continue to develop culinary and nutritional ideas through its research, development, and educational programs;

Whereas the workforce of the food-service industry consists of over 8,000,000 people;

Whereas the food-service industry hires more women and minorities than any other industry;

Whereas many other businesses benefit economically from the constantly expanding food-service industry;

Whereas American culinarians are now in the forefront of culinary arts achievement and are recognized internationally for their talent, expertise, and creativeness;

Whereas the United States first entered the Culinary Competition in 1964, in Frankfurt, Germany;

Whereas every 4 years, the United States demonstrates its culinary leadership by winning awards at the Culinary Competition;

Whereas many associations have been established within the culinary industry;

Whereas such associations strive to improve the reputation of their members through promotion, establishing professional standards, and testing their members for proficiency; and

Whereas such organizations also provide educational opportunities for their members by bringing highly qualified individuals into their ranks: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 14 through 20, 1988, is designated as "National Culinary Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such period with appropriate ceremonies and activities.

WHAT IS THE TRUE COST OF EDUCATION?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, recently, I have spoken to you about the massive influx of money from Japanese interests that has been funneled into our Nations' educational system. Evidence has been offered to you on how, where, and why the Japanese have gone to great lengths and sometimes staggering expense to enhance their knowledge of and information from America.

The July 11 Business Week highlighted for all of us the millions of dollars that have been spent by Japanese interests in our country to enhance "The Japanese Line" and to gain access to technology and creativity.

That issue of Business Week told us that Japan spent at least \$310 million, in the opinion of one individual quoted in the article, to "come in and stay, to legitimize their presence."

But this is not the full story. There is another concern and that is the ever increasing number of students from foreign nations in our country.

I think that all of us appreciate the generosity and spirit of our country in many areas. I do believe, however, that we need to recognize when our generosity is being taken advantage of.

The fundamental question we must ask, is: What is the price that we pay when we finance the education of students from foreign countries?

If we look closely at this question, the answer is obvious. Simply put, America is paying a very high price for its generosity. We pay that price because we are ultimately bankrolling our own industrial decimation.

The facts are very straightforward. From them you can draw your own conclusions.

Perhaps what I found most shocking, is that 11.6 percent of the education of students from foreign countries is primarily financed by U.S. universities. (Institute of International Education, 1985.) If we utilize the figures given on the total number of foreign students in the United States by the Institute of International Education this means that roughly 39,684 foreign students receive some form of American support for their educations.

It also indicates that of all fields, three majors—mathematics/computer science, engineering, and business—account for 51.4 percent of the subjects taken up by students from foreign countries. All of these fields are very important to our industrial base.

The General Accounting Office notes several figures that I found stunning. For example, 25 percent of all Ph.D.'s in science and engineering were awarded to foreign citizens in 1984. Amazingly, over 50 percent of all engineering Ph.D.'s granted by U.S. institutions went to foreign students; 31 percent of the students who received Ph.D.'s in the area of computer science were from foreign countries. Let me remind all of us that these are all skills vital to our industrial ability.

The most recent calculations I could obtain estimate that there are approximately 342,110 students from foreign countries presently studying at the college level in the United States.

This does not look like a balanced situation to me.

How can we justify the financing of foreign students when so many stu-

dents in our country are denied access to higher education because they lack the money to attend the schools of their choice.

I have one right now in my district, a young man that we have been assisting, he and his family, to find ways over the last 2 or 3 years so that he can make his way and continue his course in Rensselaer. He is an engineering student. Right now for his last leg of his training we are having a tough time getting that last \$1,400.

I am finding some other students in my own district that because of the limited number of slots in some of these programs that my students have B's, a B average, cannot get into the school because there are so many students from foreign countries there. We need to look at this again.

We spend on average for a public school education in the United States, \$6,175. At our private schools the figure is \$12,511—U.S. News & World Report via Department of Education, April 18, 1988. This figure accounts for tuition and room expenses.

But there is another figure that I would like to point out. The Department of Education's most recent statistic for the total expenditures for education in the United States places our investment at \$100,100,789,000. This is an awesome sum as well it should be.

Let me emphasize again, however, that some 300,000-plus students from foreign countries, 11.6 percent of whom are being supplied funds by groups reap the benefits of this cost while Americans are denied educational access.

There can be no doubt that in the world today, the burden of education is a great one to bear. Yet we in this country seem willing to forward a fistful of dollars to students from foreign countries rather than assist Americans whose talents may well be just as deserving of these financial gifts.

We must give our young people the opportunity to fulfill their dreams. By financing the education of students from foreign countries, we deny them this opportunity. It is not fair, it is not just, and it must end.

As if the incalculable loss of wasted talent was not enough, there is, I believe, another, even more threatening cost that we pay for our actions.

This second cost comes in the form of purchased access to the U.S. academic community and its ideas.

The logic is relatively simple. In a world where money often speaks louder than words, countries that donate vast amounts to American universities buy themselves into the decisionmaking processes of these institutions. And naturally, when an investment is made, something is expected in return. What I am saying today is that the financing of students from

foreign countries is part of the return for that country.

To find examples of where this "dollars for doctorates" pipeline may be operating, we can all look across the Pacific, to Japan.

The Institute of International Education estimates that 3.8 percent of all foreign students in the United States are from Japan whose students make up one of the largest groups of students from any country. Overall, 42 percent of all foreign students in the United States come from Asiatic nations.

Once again, this story is a question of facts. Business Week has told us previously of the Japanese attempts to fill the coffers of our major universities. Access is being purchased. We in the United States need to wake up and realize what is happening. We are causing great harm to ourselves and great harm to our Nation's future by financing our strongest competitors.

The editorial "The Proper Response to Japan's Influence" in the July 11 Business Week which I have quoted in a previous speech, deserves another look. I feel its message is also appropriate to what I am talking about today. It says, "How far Japan's influence extends rests on the integrity of American leaders and this society's willingness to fund its own institutions." Every Japanese student who receives financial assistance from the United States means that somewhere money is lost that might have otherwise contributed to an American education.

There is one final point I would like to make today. It is that over 90 percent of all students from foreign countries who enter this country under visas stating that they have no intention of abandoning their home country and are here for a temporary time period only. However, many end up staying here in the medical field.

The issue is not percentages, however. It is that, too often, Americans pay the bills for individuals whose nations neither respect nor abide by ethical and responsible trade and business practices. When these students return home, they carry U.S. diplomas in their hand and U.S. made know-how in their minds. We in America accept the loss. This Nation must look at the balance sheet before the losses become too severe to overcome and the land that we call home will be recognized by all other countries as the home of yet another trademark: signs reading "out of business."

But it is not too late. This country has the strength to overcome all obstacles and if we move now to solve the problems which I have addressed today, we can ensure a hopeful future for all of America.

□ 1900

THE PROLIFERATION OF LANDMINES REMAINING IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. McCOLLUM] is recognized for 60 minutes.

Mr. McCOLLUM. Mr. Speaker, I am going to talk for a few minutes tonight about something that I think Members should be particularly attentive to.

We have had tremendous problems in the last few years in the way that warfare, where it has been conducted, has been carried out. War is tragic wherever it goes on, wherever it takes place. I hope we never see another world war.

But we do see regional conflicts, we do see devastation to human beings. We do see situations where gas and other noxious chemicals have been used and we have seen violations of human rights in a lot of these wars, in a lot of these locations.

I think one of the things, though, that is little known is what has gone on in the way of violations of those rights of human beings inside Afghanistan during the Soviet occupation.

Tonight I want to talk about just one facet, but a very significant facet of that human rights violation situation in Afghanistan.

From the very beginning of the Soviet invasion of Afghanistan in December 1979 the Soviet military has devastated Afghanistan with millions of explosive landmines, some 10 to 20 million according to the Department of Defense estimates. These landmines have been dispersed throughout the Afghan countryside indiscriminately, in fields, farmlands and around villages as well as carefully laid as defensive perimeters around Soviet garrisons.

These mines were dispersed randomly to break up the lines of communication between the Mujahidin resistance in order to demoralize the freedom fighters and instill terror in civilian villagers who aid in the struggle against the Soviet invaders. Furthermore, the Soviet invaders intended to deny the Mujahidin much needed agricultural commodities by lacing hundreds of acres of farmland with mines, a problem which is now a nightmare for those in the international community who must try to remove the deadly mines before repatriation can begin.

I might add at this particular point that we are now at a stage where there are supposedly some Geneva accords which have been signed by the principal parties involved, the Soviets have agreed to withdraw from Afghanistan. Supposedly they are going to be out of there very shortly. Their timetable

calls for a complete withdrawal within the next few months.

There is a sense in the international community and among the United States advisers over in the area where the refugees are in Pakistan that there will be a massive movement by the refugees who are in the thousands and thousands inside of Pakistan and in Iran, a movement of these back into Afghanistan early in the spring of next year, assuming, of course, the Soviets withdraw.

So the issue is very real. The United Nations is very concerned, the U.S. Government is very concerned and the Afghan people, the refugees and the people who are still inside that country are rightfully concerned about these mines.

The level with which the Soviets have used mine warfare is unmatched in sophistication. In 1985, they introduced a mine dispersal system which could launch a round loaded with 20 mines nearly 8 miles in distance so that they could land and be dispersed. The Mujahidin, on the other hand, have sorely lacked the proper equipment to even detect the mines, resorting to volunteers, young Mujahidin brave enough to risk their lives to seek out the mines and detonate them by whatever means at their disposal, by hand, by stick or by stone. We have heard about mines in Afghanistan and the horrors they have wreaked on children for years.

One of the most heinous of these mines is called the Butterfly. It is a PFM-1 mine specifically, which is often likened to a toy. This particular mine is just one of many. There are all kinds of varieties of mines. I have been over to Pakistan recently. I had the occasion to travel as a part of our official delegation to the funeral of President Zia. I was there only a brief period on this particular visit. I was there long enough to look at a whole tableful of mines that have been retrieved from inside Afghanistan where various and sundry devices have been laid by the Soviets.

Most of these are mechanical devices, they are not terribly sophisticated mines. They are small devices. They are devices where somebody can come along easily and step on them and trigger the explosion. It is quite common for animals to have this happen to them.

As an aside, I might add that animals inside Afghanistan have been destroyed by the thousands, as well, and today along with the farmland being devastated, there are no oxen and other animals necessary for the production of farm crops over there for returning refugees. But that is another story for another day.

The fact of the matter is that many children have been injured by these mines. And I have a few photographs. They are particularly grisly and I do

not show them with great relish, but I do think they need to be shown because these are the simply little Butterfly mines that have caused this. This is in the early summer of this year. Actually, this is the end product of a child, an extremity of a child who was damaged by this mine. This particular photograph occurred from an incident that took place after the Geneva accords were signed. This same little girl who was injured in this in early summer of this year is depicted in this photograph. I think you can see that it is a bloody mess to say the least.

The problem is these mines maim, they do not kill. They injure children, they injure adults, they injure anybody in an extraordinarily gross manner. We can be thankful for Freedom Medicine because they have done an awful lot to try to help the victims of these mines, which is what this last or third picture depicts. It is a gross picture too, but it is a picture of a child who is being cared for by Freedom Medicine's trained people over there.

Many of them have been saved because of dedication of people like Bob and Gay Leclerc Brenner of Freedom Medicine who work and train Afghan medics.

These Afghans trained by freedom fighters are working with children who have been injured by mines in the Paktia Province of Afghanistan.

The area has recently been recaptured from the Soviets by the Mujahidin.

Now at one time this area yielded only two or three mine victims a week. Now medics say that they treat two to three mine victims, men, women, and children, every day in this one province inside Afghanistan.

The PFM-1, which is the Butterfly mine which caused this particular injury and is the most common one over there, is designed as I said, to maim and not kill. Its wing contains an insidious explosive which causes an extreme casualty. We have all heard of its effect. Well documented reports come to us constantly from international medics, journalists, and officials who speak with conviction of the mine's horrifying devastation on the civilian population, particularly the children and the women.

The bad part about this, the particularly bad part about this besides the devastation is that if it is illegal under international law to use a mine like this. Yet the Soviets have laid mines that cause this kind of damage inside Afghanistan in alarming numbers.

Mr. Speaker, I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. I thank the gentleman for yielding and for taking out this special order. I do not mean to interrupt the gentleman, as he is making a very good point. I, of

course, want to provide some information, or to supplement that. But when I saw that very moving picture there I could not help but think of one of the items which causes that kind of thing. The gentleman was describing, as I walked down to the floor of the House here, what had happened and he was describing a particular item.

On many different occasions down here I have held up this little Butterfly bomb. This is one of those items which creates the exact situation that we witness in that photograph there.

Mr. McCOLLUM. If the gentleman will let me reclaim, that is precisely the device that caused this particular accident and this particular injury in this photograph.

Mr. DREIER of California. I believe that. What we have seen, and according to the "Dear Colleague" letter which the gentleman and I distributed, we said there were between 10 and 13 million mines placed throughout. This Butterfly bomb is actually a part of a cluster which, as the gentleman knows very well, comes off of the MI-24 or 25 Hind/D attack helicopter. They come off in a cluster with about 200 of these laid end to end. They float to the ground.

As I was coming down here I heard the gentleman say they are designed not to kill children but to maim them. The goal, of course, is to maim children because they are a greater burden; if they kill the children they are buried and if they are maimed they are a greater burden on the people of Afghanistan.

There are probably 3 million of these particular landmines presently on the ground in Afghanistan based on reports which we have seen. As the gentleman I am sure has pointed out or was about to point out, the Soviets, following the signing on April 14 of the Geneva accords have refused to take any steps whatsoever to either detonate or remove these kinds of butterfly bombs.

Now there are reports that have also come that have said that toy trucks and other little toys designed to attract the "grab" of the little child have been placed throughout the country and this is just one example that we were able to provide. I did not mean to interrupt the gentleman on that point.

Mr. McCOLLUM. No; I appreciate very much the gentleman showing the actual physical evidence of what caused this injury at this moment, because I think it is atrocious.

As the gentleman points out, there are millions of these little butterfly mines over there for kids to pick up.

Mr. DREIER of California. What actually happened, they place just enough explosive inside of this little green item—they are green and brown, and these are declassified now because

there are so many of them around—again, there is not enough to kill a child but just enough to blow the hand off or create this tragic horrid situation which the gentleman so graphically shows with that photograph.

We hope very much that the Soviets will get the message. They are aware of the fact that we know that this kind of thing continues to take place.

Mr. McCOLLUM. I am going to recall my time, but only to point out some violations of international law and then I would hope the gentleman would take some time and discuss this on his own in a moment within this order.

I want to point out the fact that this particular butterfly mine that only maims not only is devastating in a human rights sense, but it is actually prohibited under the protocol that has been signed. We had an article recently in the Christian Science Monitor which quoted a Mr. Norchi, an international lawyer specializing in human rights and a fellow of international law at Yale University. He teaches there, of course.

Mr. Norchi has testified before Congress, he has given information to various publications. He says the international law on the matter is clear, and I quote:

The customary international law is codified in the protocol on prohibitions or restrictions on the use of mines, boobytraps and other devices known as protocol number 2, referred to as the Land Mines Protocol annexed to the 1981 U.N. Convention on prohibition or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious and to have indiscriminate effects under the U.N. Convention. Remotely delivered mines such as Butterflies are prohibited by Article V(1) of the Land Mines Protocol except "within an area which is itself a military objective or which contains military objectives" and then "not unless their location can be accurately recorded," in accordance with the protocol or unless each mine has a self-actuating or a remotely controlled mechanism which will render the mine harmless or cause its destruction when the mine no longer serves its intended military purpose. Article III (3) prohibits all indiscriminate use of mines. This is the placement of a weapon (a) which is not on or directed at a military objective or (b) which employs a method or means of delivery which cannot be directed at a specific military objective or (c) which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects or a combination thereof which would be excessive in relation to the concrete and direct military advantage anticipated.

Now I cannot imagine anything more in violation of this protocol than the kind of a mine that is laid, this butterfly mine that the gentleman from California described a few moments ago which caused this injury. That kind of a mine is what is all over Afghanistan, randomly placed by the Soviets; cannot have a good military

purpose; certainly is in violation of international law. And they will not even give the United Nations the maps, if they have the maps, to show where any of these mines are laid so that they can be cleared when they move out and the refugees are going to move back in. That is the real crux of the problem here.

I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding and I want to commend the gentleman from Florida whose tireless work has been one of the major factors in defeating the Soviet Union in Afghanistan. I want to give him that commendation, along with CHARLIE WILSON from the other side of the aisle who has done a lot and DAVID DREIER who is with us today. I think I have got an answer. I know the gentleman has answered the question concerning the Soviet use of those butterfly mines.

□ 1915

But I think the answer can be given really in one word—"families." The Soviets know that if they kill a member of an Afghan's family, his child, his daughter, his son, his wife, or even a more distant relative will fight them forever. The Afghans are a very tough people. When they pass one another on a mountain trail they greet each other, and they have an expression, "Stock-naja," which means "walk strong." And they walk strong. They have walked strong through the centuries.

There is one way to get an Afghan to leave Afghanistan, and that is to injure a member of his family so he has to take that member of his family to another country to get medical aid, and in this case it is generally Pakistan, with the rejuvenated facilities and the humanitarian aid and the medical facilities the gentleman from Florida has been so instrumental in setting up.

So this Afghan fighter will pack his little boy up who has had a hand blown off by a Soviet toy bomber or butterfly bomber, as Mr. DREIER, the gentleman from California said, and he will walk them hundreds of miles to try to get their little hand reconstructed. That is why the Soviets are putting down these bombs that really do not kill freedom fighters and do not really kill the children. They maim them, and by maiming them they make them move, and that is the story of Afghanistan. You have a population of 15 million people. One million people have been killed by the Russians and executed by the Russians, but 5 million people have been forced out of the country into Pakistan to form the biggest refugee population in the world, and the primary motivation for the moves are the butterfly bombs, the baby hurters and baby maimers

that the Soviet Union uses in that country.

Mr. DREIER of California. Will the gentleman from Florida [Mr. McCOLLUM] yield?

Mr. McCOLLUM. Mr. Speaker, I will yield to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I would like to add that both the gentleman from Florida and the gentleman from California have had the opportunity to meet one of those individuals who I have as an intern working in my office, a young man, Hazrat Khan, who many times because he is 12 years of age has been down here on the House floor, has actually turned 13, but do not tell the Clerks, because if they knew he had turned 13 they would not let him on the floor, because you have to be 12 to be on the floor, but that young man is a walking testimonial, and I am very pleased and proud that he is a walking testimonial because he was told he would never walk again after he nearly died on the airlift which came over, the McCollum flights, which came over from Pakistan, and he came and had about 14 different operations. He has survived this exact same kind of attack. He was in his family's home and he was walking out the door to a friend's house and the home exploded and he saw his mother killed and four of the Mig-24 Hind attack helicopters came down as he was walking all by himself. Now, this is a boy under 10 years of age at that time, and he was machine-gunned by these helicopters.

So the point that my friend from California [Mr. HUNTER] makes certainly is very apropos, and we have many testimonials of this kind of thing, and I am happy to say in this case that young man, Hazrat Khan, is recovering and he is here on a medical visa, but it is a very tragic commentary that their goal is to target young children.

As I have said many times, tragically throughout history, children have been the victims of war. In the case of the Soviet invasion of Afghanistan, they are the targets and not the victims. That is a sad commentary.

Mr. McCOLLUM. I would like to ask Mr. HUNTER, the other gentleman from California who is on the Armed Services Committee, what his thoughts are about why now, if the Soviets really are withdrawing from Afghanistan, they have refused to allow the United Nations to have access, after they have withdrawn, to have access to the maps of the mines so that they can be cleared for the benefit of the Afghan population? Do you have any ideas? You have expressed a feeling about why they laid these mines and their desire to ascend and cause the Afghans resistance to leave the country.

Do they really want to keep them? Why do they not turn the maps over to the United Nations?

Mr. HUNTER. The answer to that question is clear. The Soviets have agreed to leave the country. They have not agreed to wage peace in Afghanistan or to abide by the conventions of peace. They want their surrogates, the Communists in Afghanistan to win, to prevail.

I think that is one reason why Mr. Zia's plane was sabotaged. I think that was done, in my opinion, by Spetsnaz operatives because they wanted to cripple the anti-Soviet freedom fighters in Afghanistan. I think they want to keep those freedom fighters being crippled. I think they want to keep the Afghan families moving out of Afghanistan into Pakistan because every freedom fighter who packs up his family and moves to the refugee camps now is one less freedom fighter whom the Afghan Communists who have been trained by the Soviets and left by the Soviets to maintain a Communist system do not have to deal with.

So I think the gentleman has really hit a critical point for Americans and for all people in the Western World to consider. That war is very much alive and the Soviets are going to pour enormous resources into the wages of this war against children, as Mr. DREIER of California has said, an unusual war where the children are targeted.

Mr. McCOLLUM. The gentleman's answer is according to my thinking, and the same as his. I think you are absolutely right about their intent to set up a puppet regime and make it stay in power, but they also do not want, as you said, the refugees to return because they are the backbone of the resistance, the real people, the ones that populated the farms in the countryside, and we already have very disturbing reports that in those locations that the Soviets have withdrawn, and they have done some of that in some of the countryside. When the people go back in, then those little villages and towns out there are bombed and leveled and totally wiped out, not in a war sense like you would think of, because there is a military objective involved, but because the people who come back and otherwise have a place to live and they have wreaked havoc with farms, destroyed the crops, the animals, and maimed the kids and are now destroying the shelters there in an attempt to keep the country from ever becoming economically on a sound footing.

It seems a totally inhumane thing to do unrelated to any objective they may have.

Mr. DREIER of California. Mr. Speaker, will the gentleman from California [Mr. HUNTER] yield?

Mr. HUNTER. Mr. Speaker, I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I would say, reaffirming the points that the gentleman alluded to, the backbone of the resistance is, of course, the 3.2 million refugees who sought refuge in Pakistan and the 1.8 who are in Iran, they do not want those people back into Afghanistan because they know that they pose a threat, a very serious threat, to the government of Dr. Najibullah, the puppet of Moscow, of the Soviet regime.

So, what has actually happened here is, as you look at the fighting forces in Afghanistan, and there were up to 120,000 Soviet troops there, most reports indicated that there were never more than 20,000 to 30,000 troops who were actively fighting at any one time. So what does this say? We have, yes, the August 15 deadline was met by the Soviets according to reports that half of their troops were leaving, but with only 20,000 to 30,000 troops fighting, the Soviets strengthened the government of Dr. Najibullah and have positioned the puppet government, in a position to fight and to obliterate the resistance, and then leaving these land mines on the ground helps to play a role in ensuring that as the refugees return to the country, that their ability to develop as any kind of a strong operation within Afghanistan, is certainly seriously threatened by the literally millions of land mines which are placed on the ground.

Mr. McCOLLUM. I would like to follow up that statement. The gentleman makes an excellent point.

In that brief time I was on the ground in Pakistan for President Zia's funeral a couple weeks ago, the AID officials who are our mission of mercy were providing assistance to the refugees.

Mr. DREIER of California. Larry Crandall, a superb individual, has done a great job.

Mr. McCOLLUM. Both Larry Crandall and Jack Miller, they are both working hard, and they approached me and said they knew I had an interest, had a humanitarian program going on for several years, they were very proud of it, of the great assistance it has been, but as the Soviet withdrawal occurs there is no way that the people can go back in. No way they can allow them to go back in unless there is a way to clear the mines out.

This is not the military talking. These are the AID people, humanitarian people, who have talked to the United Nations, who cannot get the Soviets to help. There is no interest on the Soviets' part in cooperating with humanitarian efforts in terms of Afghanistan.

That is the real tragedy here. Also, the violation of international law

which we have seen is technically there, in the laying of the butterfly mines, in the first place.

Mr. HUNTER. Mr. Speaker, would the gentleman from Florida yield?

Mr. McCOLLUM. Mr. Speaker, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I think a key point to remember here is that several years ago when the Soviet Union began to see the resistance that was welling up in Afghanistan, in response to its occupation, the Soviet high command made a determination and the determination they made was that they could only have Afghanistan without the Afghans, or at the least, without as many Afghans, and they determined that 15 million Afghans, a population of 15 million Afghans was insurmountable for them to overcome, considering the assistance that the United States and other countries were giving them, and they entered for that reason in a deliberate attempt to kill as many Afghans as possible, which was done in killing a million Afghans, but to depopulate the country by moving refugees out, by maiming small children, and thereby motivating their parents to move out for the purpose of seeking medical help.

If you realize that Afghanistan is about the size of Texas and Oklahoma combined, and they only had a few doctors before that Soviet invasion, and the Soviets either killed or expelled all the doctors, the situation that they had, as the gentleman knows because he is really the father of the American airlift that helped these people being injured in Afghanistan, was similar to being struck by a car in Washington, DC, and being told if you could walk to Florida, you could see a doctor, or if you could be carried on the back of a mule to Florida before you died, you could see a doctor.

So, the Soviets entered into a deliberate policy to depopulate the country. Now, what is happening now is they still think they have a chance of maintaining the puppet regime in Afghanistan, but the precise and exact formula of having to depopulate the country to maintain that puppet regime applies. In fact, now they probably need to depopulate it more, because the puppet regime is much weaker, of course, than the Soviet presence that is now being removed.

So, you would anticipate that the Soviets, unless we stop them, are going to put more mines down and are going to deliver more of the butterfly mines to the hands of the puppet regime in Afghanistan so that they can further hamper the efforts of the refugees to come back into the country and further hamper the efforts of the freedom fighters.

Mr. McCOLLUM. Just reclaiming my time for a moment, I would like to add to that the fact of what you said is so true in the sense if we do not stop it, the Soviets will do this, and the bottom line of all of this discussion seems to me that the United States, the United Nations, the world community, ought to be up in arms about this. We ought to be in an uproar about this. There ought to be a major charge made in international forums to the Soviets on this issue. It is a violation of human rights as egregious as anything else gone on in modern times and modern warfare, regardless of anyone's view and all Americans share on this, even the countries that are perhaps allied with the Soviet bloc, there ought to be a sense of how devastating this is, how terrible it is, and they ought to be condemned for it and made by the public community to provide at least the maps to these mines, if not actually agree as they withdraw to help in the removal of those mines they have laid in the countryside. If we do not have the fortitude in this country to do that, I am missing the boat. We need to get in there and lambaste the United Nations some and get the President and Secretary Shultz to pound the table and get some of our allies to be aware of the land mine problem and pound the table. It might not be enough, but at the very least we owe those people in Afghanistan and the world community for humanitarian concerns for future conflicts, to let the Soviets not get away with this.

Mr. DREIER of California. I hesitate to bring up this point, but earlier this year there were a number of us who raised concerns about the Geneva accords and said well, Gorbachev, regardless of whether or not an agreement was signed, the Soviets would leave Afghanistan, because they were literally having the hell beaten out of them by the Mujahidin, and it was also made clear that while we saw that part of the agreement was we could continue supplying the Mujahidin, the Soviets could continue to supply the puppet government, but Pakistan could no longer be the pipeline through which this aid was going to be going, and when we saw the fact that over the last 8½ years the puppet government was not a legitimate government in Afghanistan and yet had signed on April 14 these accords that were legitimized by the government, the fourth point being that the Mujahidin, those who spilled their blood over the 8½ years were not a part of the negotiations, there were a number of us who raised concerns about that, and we opposed the accord.

The gentleman asked the question about the United Nations, and, frankly, my concern is that Diego Cordez, who is responsible for having brought about the agreement, certainly ought to see the process completed. I am not

saying that that is the case, but that may just be one of the reasons we are not seeing this uproar from the United Nations, because they are responsible for the fact that on April 14 this agreement was signed.

So that does raise even further concerns for a number of us, and I would say for the Members that I have and I would like to include for the record here a list of two pages of violations of the Geneva accords which have taken place in this 4-month-old accord, ranging from the fact that the Soviet plane was shot down and had crossed the border, and a number of us, including my friend, the gentleman from California [Mr. DORNAN], who is here, spoke about the Geneva accords, and we were told there had been 66 cross-violations by the Soviets. We got reports that these planes entering Pakistan are coming not from Afghanistan but from Soviet bases.

□ 1930

Anyway there was a litany of items here, and then, getting back to one of the other items that I know the gentleman wants to discuss in this special order, and that is the terrible and tragic loss of General Zia and our great Ambassador, Arnie Raphel, our friend, Arnaud de Borchgrave, publisher of the Washington Times, had an editorial and told me personally that the HOD, which is basically the Afghan KGB, made it clear just 2 weeks before this accident that, to President Zia, that, if he did not quit providing the funnel through which aid to the Mujahidin was going, that he would in fact feel it. And there is no doubt about the fact that just 2 weeks later he did feel it, and it certainly was a great tragedy, not only to Pakistan and the freedom fighters of Afghanistan, but to every freedom loving human being in the entire world.

I do not know if the gentleman wants to get into and talk about—

Mr. McCOLLUM. I am very happy to talk about that. If the gentleman wants to elaborate, I certainly do not mind.

I know—reclaiming just for the moment—the whole question over Zia's death is still up in the air. We do not know yet any kind of result of the investigation into it. We are told one day that it is being conducted and then another day that it is not going to be released to the public.

I, frankly, for one have called upon our Department of State and our Defense Department to do whatever they can to get this result released as soon as they can. I have been deeply disturbed by what I have heard in recent days that our own Federal Bureau of Investigation was denied the opportunity to participate in the investigation of this incident. They are the leading experts in this sort of thing in the

country, and certainly they should have been allowed to be a party of the team from the United States that would offer at the request of the Pakistan Government to look at this. I certainly think the Pakistanis would have liked to have had the best we have. I am sure our military has got some experts, but it would have been much more assuring to this Member if the FBI would have been allowed to go over there in the instance where we had lost our Ambassador, and that would be their interest in it, and that is why they are authorized to engage in this kind of investigation.

I know the gentleman feels the same way. I have asked recently for an explanation of that. We still do not have it, but apparently the FBI was denied by the State Department the opportunity to go over and to participate. They say it was some kind of a mixup. I do not know what that means. We are yet to find it out, but the whole thing is disturbing.

The Soviets probably, probably, had something to do with this. If they did not, it does not make any difference internationally, I suppose, in one sense because the results are the same. The results are that the strongest ally the Afghans had over there is now gone in President Zia, and they have disrupted by this process, whoever did it, the whole system, and we are going to have an election supposedly in November in Pakistan. Who knows the results of that?

I think we as a people, this Congress and the Government of the United States, owes it to the Afghans and the Pakistani people to do everything in our power to stand up to the Soviets with the Pakistan Government at this time.

The Acting President, President Ishaq Khan, and the Foreign Minister, Yakub, and all the others who are still standing tall over there in Zia's absence, and General Baig and others; we owe it to them to stand tall with them against the Soviets.

Mr. Speaker, I think we are doing that. I know I have expressed that concern when I was in Pakistan. I have expressed it since then. I admire greatly what the Pakistan Government has done, and I pray and hope that those who succeed President Zia and succeed this acting government that is doing so well continue to aid these refugees, continue to fight for freedom, continue to fight for self-determination of the people of Afghanistan all the way through the Soviet withdrawal and then some.

Mr. DREIER of California. Will the gentleman yield?

Mr. McCOLLUM. I am glad to yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I would simply like to say there is no doubt about the fact that

all of us were devastated by what took place there, and I would like to convey to my colleagues here that I just today received a very moving letter.

We know one of the other ironies which took place, a tragic irony just 3 days before the signing of the Geneva accord. This was the fact that in Islamabad one of the munitions facilities, which was the storage site for many of the weapons which have been provided for the Mujahidin, exploded, killing more than 1,100 Pakistanis in the country and wounded seriously many, many more.

And I just today, having written a letter to General Zia several weeks after that, received from Acting President Ishaq, a copy of the letter that was sitting on General Zia's desk back to me in which he appreciated the sympathy that I had extended to the people of Pakistan, and he in that letter underscored how important it is for us to continue to do everything that we possibly can to support the freedom fighters of Afghanistan.

As the gentleman said, there is no doubt about the fact that General Zia was the greatest ally that the people of Afghanistan who are fighting for freedom had. This letter came from the Acting President, Ishaq, who said to me that it was very unfortunate that, while General Zia dictated this letter, he was not able to sign it in his lifetime, and of course there continues to be many questions surrounding the explosion of that facility, which the gentleman from California [Mr. DORNAN] and I visited on that same trip late last year during November and December when we were in Pakistan. Many people were lost in that explosion, people who took us around, and then of course the tragic list of those who were killed on that C-130 which crashed in Pakistan.

I would like to include the following in the RECORD, Mr. Speaker, which is a list of the names of those people who were killed in that tragic plane crash. We just have received that, and I think it would be important for all of my colleagues and for the families of these victims to see this in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore (Mr. CLARKE). Without objection.

**CASUALTY LIST C-130 CRASHED ON 17 AUG. 88
AT BAHAWALPUR PAKISTAN**

1. General Mohammad Zia Ul Haq, President of Islamic Republic of Pakistan and Chief of the Army Staff.
2. General Akhtar Abdur Rehman, Chairman Joint Chiefs of Staff Committee.
3. Lt Gen Mian Muhammad Afzaal, Chief of General Staff.
4. Maj Gen M Abdus Sami, Vice Chief of General Staff.
5. Maj Gen Mohammad Sharif Nasir, Director General Combat Development—Dte.
6. Maj Gen Mohammad Hussain Awan, GOC 23 Division.
7. Brig Sadik Solik, Director Public Relations.

8. Brig Abdul Latif, Director Inspection & Technical Development.

9. Brig Abdul Majid, Director Electrical & Mechanical Engineers.

10. Brig Najeeb Ahmed, Military Secretary to the President.

11. Brig Molen Ud Din Chughtai, PSO to Chairman Joint Chiefs of Staff Committee.

12. Lt Col Safdar Mahmud, Officer on Special Duty to President.

13. Sqn Ldr Rahat Majid Siddiqi, Aide to President.

14. Capt Zahid Rana, Staff Officer, Chief of General Staff Sect.

15. Mr Arnold Raphael, U.S. Ambassador in Pakistan.

16. Brig Gen Herbert M. Wassom, US Defence Representative Islamabad.

AIR CREW

17. Wing Cdre Mashhood Hassan.

18. Sqn Ldr Zulfiqar.

19. Flt Lt Sadiq.

20. Flt Lt Asmat.

21. N/Sub Shafiq.

22. C/Tech Rafiq.

23. S/Tech Firdous.

24. S/Tech Habib.

25. S/Tech Rashid.

26. S/Tech Aziz.

27. S/Tech Manzar.

28. S/Tech Azhar.

29. J/Tech Shafqat.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I am glad to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I just wanted to add an optimistic note here to share with my colleague from California, a spirit that we picked up in Pakistan that was not just embodied in President Zia himself, but in everybody in the foreign ministry, all of the high-ranking command staff of his military people. They felt that the cause that was being fought out in Afghanistan was truly their brothers. It was a religious thing. It was a neighborly thing. It was something that there was a feeling of solid commitment from top to bottom so that the loss, as tragic as it is, of President Zia, I am optimistic that all of the fine staff people that we met and government people we met would continue with this cause if the Soviets were to renege on what they were doing.

I would like just to add a footnote so that the gentleman who took out this order, the gentleman from Florida [Mr. McCOLLUM], and the gentleman from California [Mr. DREIER] and myself and everybody else who participates in one of these special orders should know the importance of it. We are in these special orders supposed to direct all our remarks through the Chair, referring to the Chair as, "Mr. Speaker," and that is proper and traditional, but every now and then, because the order went out at the end of the last Speaker's tenure that the camera should occasionally pan an empty Chamber to make it look as though we are just talking to ourselves here. We should remind one another and, thereby, other people that the

figure is now upward of 425,000 to 450,000 people who will watch special orders of substance. And I certainly think the gentleman has conducted a special order of substance.

And a further footnote on how much Soviet interest there is in what takes place in this Chamber: Heretofore, until a trip to the Soviet Union in late August, just a few days ago, I thought that the Soviet Union used their Embassy the way we use our Embassy, that they would watch the proceedings of the House and occasionally visit us in the gallery here, certainly monitor C-SPAN, the proceedings in which they can see our discussion here, or watch CNN, Congressmen appearing on "Cross-fire," and the "Larry King Show" and things like that, and they would rely on diplomatic cables and communiques. Well, on one of the last days of August I had an appointment with the North American desk at their State Department, the Ministry of North American Affairs, in a gothic building that Stalin built called the Seven Sisters, the huge landmarks around Moscow, and I went in and was met at the door by a very pleasant young man who spoke fluent English. He escorted me and one of the Foreign Service officers in the political section to the sixth floor, and, as we walked out down the hall through one of the doors on the sixth floor, we entered a Soviet conference room, and here were the four people we were to meet with, one of them, the No. 2 man, would be like not an Assistant or Deputy Assistant Secretary, but an Assistant Secretary of State. They were sitting around watching a television, and on the television set was CNN and the show "Money Line" to be followed by "Cross-fire."

Mr. Speaker, I was stunned, and they laughed and said, "Oh, didn't you know that your Embassy can't get American television, nor can your Ambassador's home, Spasso House, but we have been given a special arrangement with Ted Turner, the founder of Cable Network News, and he's made it possible for those of us to watch American television here, and, when there's a fast-breaking story, your people at the Embassy have to call us."

I am sure they are calling now to find out the news as hurricane Gilbert approaches the coast, and they said, "Soon we hope to get C-SPAN."

Now imagine C-SPAN, the Chamber proceedings here during the day, key votes or special orders where we are discussing something of importance to the Soviet Union being watched in the offices of their foreign ministry. Our world is certainly shrinking with communications. One feels lost in the Soviet Union sometimes because it takes 4 hours to get a call home, but in

Pakistan I called home from Peshawar or Islamabad in about 20 minutes.

We feel, those of us who were on the trip, quite a closeness to President Zia. He had a beautiful state dinner for us. It happened to be the 33d anniversary of my meeting my wife, not an anniversary, just when I first laid eyes on her, and I asked him if he would present a bracelet to her that I had purchased. Well, he did a 30-minute talk on romance, on the importance of family, our wives. His wife sat there and glowed, and he really spoke eloquently—for how long would you say, Dave—without notes about family values. This showed how close those values will bring two countries. He spoke with a warmth about the United States of America and our special friendship, and in spite of the fact he spoke of a special friendship with China because they had been there in their hour of need in the Battle of India. But this man understood the United States, liked our country and felt we were backing him up in doing what was morally right, giving their brothers, their Islamic brothers across the border in Afghanistan, the wherewithal to hold off an atheistic invasion of their country.

As the Soviets listen to our words here and take them down, let them know that some of us believe Pakistan will never give up that bond of faith with the Mujahidin, or the Muj, as we got to call them in a warm and friendly way at the end of that visit, and I do not think the United States will either.

We have some trouble just a few miles south of your State across this hurricane-ridden gulf now trying to figure out how to help our Christian brothers down in Nicaragua, but it seems like we are all one family of man when it comes to Angola, the Persian Gulf and certainly the courageous fighters in Afghanistan.

I will never look at these House proceedings again the same way now that I know they watch them in the Foreign Ministry in Moscow.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

I think one of the points that should be made was that General Zia was going through that night that he spoke about the importance of romance and marriage; I think the term that he used is that occasionally there are rough times in a marriage, and he was underscoring that at a time when there were some in this Congress who were proceeding to not be quite as supportive of our great friend and ally, Pakistan, as they might otherwise be. And that was one of the major points that he was making, and I doubt that there was any correlation whatsoever to the marriage between—

Mr. DORNAN of California. No, the rocky times we have had would not be compared to Pakistan and the United

States. They were much rougher. But that night of November 26, 1987, my wife, Sally, and I will never forget, and Zia is truly a loss to the forces of freedom throughout the world.

Mr. McCOLLUM. Reclaiming my time, I want to compliment both gentlemen from California for bringing out another dimension of the human nature and the quality of the late President Zia of Pakistan and the importance of our relationship and continued relationship to them. I hope that the gentleman is right, Mr. DORNAN, and that indeed the Soviets are watching tonight. And, if they are, perhaps tomorrow or the next day we will be able to read in the newspaper where they have taken their own initiative to provide to the United Nations the land mines or offered, even better, to assist in the clearing of them as they depart. That would be the humanitarian thing to do.

Mr. DREIER of California. Can the gentleman imagine the prospect of somebody sitting in the Soviet Union who actually played a role in manufacturing this thing and seeing us hold it on the floor of the Congress, one of the bombs which has maimed children in this country?

Mr. McCOLLUM. Reclaiming my time here, if glasnost and perestroika and all have any real meaning, if they really do mean that, and they are withdrawing from Afghanistan, regardless of their political interest it seems to me that Mr. Gorbachev and the others over there and their leadership ought to do the right thing by this. They ought to recognize what it is right now. They ought to put aside all of the past, and they should join in the world community's effort to do the proper thing and clear these land mines out.

□ 1945

Coming back to what I was saying and everybody else was at the beginning of this talk about the presence of these 10 to 20 million mines, nobody knows how many, it might be 12 or 15 million, but there certainly are plenty of them all over the countryside inside Afghanistan, everywhere, so that little children like those in the pictures that I showed earlier, and there is a whole raft of pictures over there that I did not pull out that could easily have been shown that Free Medicine have taken, so that these little children do not continue to be injured like this, and even more be injured when the refugees really return. These are examples of just a few injuries that occur now two or three times a day. Can you imagine how many more children are going to get injured when the refugees begin to pour back in by the thousands next spring if these land mines have not been cleared and if we do not know where they are in all their toll, which is the best we can do

probably without the Soviets helping is to demonstrate to them what one looks like and hope that the adult sees it, I think that would be the most tragic thing that we could ever have befall them.

Before I yield again, which I will be glad to do and my time may expire before I remember to do this, the gentleman from New York [Mr. SOLOMON] could not be with us this evening and he asked that I enter into the RECORD his statement that he would have made had he been here.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I am happy to yield to the gentleman from California.

Mr. DREIER of California. I would simply like to say that if we can have something really positive come from this special order, I think it would be to accomplish what was proposed by the gentleman from Florida, and that is that we enhance the hue and cry from the United Nations to the Soviet Union to respond and provide at least maps of the location of these land mines which are placed throughout the country, so I believe that we should possibly consider a resolution which could be passed by this House which would go through the Foreign Affairs Committee, on which my friend, the gentleman from California serves, or a letter or something like that to the United Nations encouraging that kind of action, so that the United Nations actually does call on the Soviet Union to provide this desperately needed information, so that we can see that the 5 million refugees have an opportunity safely to return to their homeland.

Mr. McCOLLUM. Well, I would be very glad to join the gentleman, and I am sure the gentleman from California [Mr. DORNAN] would, too, in such a resolution.

I wish I could believe that the Soviets really in the spirit of all this would come forward and do this voluntarily, but I am afraid that history shows that is unlikely. Their actions to date show they have not been sensitive to these issues on human rights problems. Perhaps initially and hopefully this is so because they have been preoccupied with something, but I believe it is going to be absolutely essential for our leadership, both in this Congress and down at the White House and in every facet of our Government to get with the international community and to make a big issue out of this and do it now before it is too late, do it now when there is still time to clear those mines, do it now before the refugees begin to go back in the spring, do it now before the winter season comes in some of those mountainous regions so that you cannot do it. It is really important that we not mess around

with this stuff and wait 3 or 4 months and then say, "Oh, OK, we'll go ahead and do it now." It is going to be too late then.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield further?

Mr. McCOLLUM. I am happy to yield to the gentleman from California.

Mr. DREIER of California. The gentleman is absolutely right, but just like we supported a year ago August 7 the Esquipulas II agreement, just like we supported the Somoza agreement in Nicaragua, just like we hoped and prayed that the Geneva accords would actually be able to run their course, we only have one choice, and that is to hold out hope that the Soviet response to what we could play a role in initiating from the United Nations will in fact see a turning of the corner on this.

Mr. McCOLLUM. Well, I want to reclaim my time to this degree, that I personally believe and I think many Members if they think about it will, too, that if we do not get the kind of response to this that we should, that the United States should do everything in its power unilaterally to see that these mines are cleared and that the necessary equipment be provided and the training be provided.

I know it is the intention of the United Nations to do it, but I am afraid it is going to be late. That is the whole bottom line. Once the refugees begin to go back in the spring, if the Soviets have not provided the maps, if they have not assisted in the clearing, if the U.N. program is not there already in place, it is going to be too late and you are going to see thousands more of little kids injured with these mines.

I think that in the interim, whatever else is done, we ought to insist that our own Government take whatever steps are necessary to involve the people of Pakistan and the leadership there, as well as the Mujahidin leadership and our own experts in doing what we can independently to help them learn how to clear these mines, but none of that will take the place of Soviet cooperation. That is why the condemnation of the Soviets on this issue by the international community is so important and so timely and so needed at this moment.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I am glad to yield to the gentleman from California.

Mr. DORNAN of California. I am sorry I missed the early part of the gentleman's special order.

The window of opportunity at the United Nations from September through maybe the first or second week in December is a very narrow window in any given year.

Is there any move going on now to try to get Soviet permission or to organize a group, because if they develop these skills of sweeping these areas for mines, they can then take those skills right down to the battle zone area between Iraq and Iran. The Communist forces are still laying mines in Kampuchea and Cambodia, all along the Thai border, and even some parts of the Laotian border. This is such a vicious thing, because it can kill people years in the future.

Mr. McCOLLUM. The United Nations has a program in place to try to assist in the mine-clearing operation. They have not activated it yet. It is several weeks or maybe possibly several months away, and they do not have the cooperation of the Soviet Union. They do not have the maps to show where these mines are laid. It is not just a question of one or two bureaucrats in the organization offering to assist. It is a question of practicality. It is a question of the fact the Soviets have laid all these things out there that are so deadly and there is not going to be enough time to get them cleared unless they cooperate before we see not only thousands killed inside the country, but many, many more thousands killed who go back in the spring.

It is the time-sensitive nature of this, not the objective willingness of the U.N. forces to participate.

The fact that the Soviets have not cooperated and are not cooperating is exceedingly critical to this whole process.

Mr. DORNAN of California. Mr. Speaker, if the gentleman will yield further, one problem is that they do not have maps, that they just threw these mines out pell-mell into certain areas as they devastated whole villages and series of villages, and they are embarrassed to admit that they actually cannot give much assistance, except in general areas.

Mr. DREIER of California. Mr. Speaker, if the gentleman will yield further, they certainly do know that we are aware of the mines, and there is no lack of knowledge about that. What they should be doing is playing a role in helping to detonate some of these mines, even if they do not have maps, because they certainly do have general knowledge and understanding of the whereabouts of them.

Mr. DORNAN of California. I think it is a lesson to the whole world what happens when one nation tries to subjugate a highly spirited people, and the methods they turn to, to try to completely crush or destroy the will to resist.

I remember in the 1970's I picked up one of the major newspapers of our country. There was a little Associated Press story down in the corner that a Belgian father and his son were plowing their field near the Sonne River,

one of the intense battlefields of World War I, and they struck an artillery shell from the 1914-15 timeframe and it blew both of them to death and destroyed their tractor, and this was in the seventies, so there was more than half a century later two people added to the death toll of World War I, a quarter century after World War II almost.

It is just tragic when somebody lays these insidious mines and then walks away from them and says, "Well, we are out of here. It's all over now."

Mr. McCOLLUM. Well, reclaiming my time and getting ready to close, because I think the time is about up, I yield briefly to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. I thank my friend for yielding.

Mr. Speaker, at this point I include some biographical information on our great Ambassador Raphael and Brigadier General Wassom, both of whom were killed on this tragic flight, so that we can include this in the RECORD:

BIOGRAPHICAL INFORMATION ON AMBASSADOR RAPHAEL AND BRIGADIER GENERAL WASSOM

Mr. Raphael was born in Troy, New York on March 16, 1943. He received a B.A. from Hamilton College in 1964 and his M.A. from the Maxwell School at Syracuse University. He began his career in the Foreign Service with posts in Iran and Pakistan, and he quickly demonstrated his abilities in some of the harshest of diplomatic environments.

His resume is most impressive. From 1972 to 1973, Mr. Raphael served as Assistant to the Under Secretary of State for Near Eastern and South Asian Affairs, and as Assistant to the Under Secretary of State for Political Affairs from 1974 to 1975. From 1975 to 1978, Mr. Raphael was assigned to Islamabad, Pakistan as Political Officer.

As special assistant to Secretaries of State Cyrus Vance and Edmund Muskie, he was instrumental in U.S. efforts to gain the release of the 52 American hostages held by Iran from 1979 to 1981. In 1982, while in the Bureau of Politico-Military Affairs, he helped forge U.S. policy toward Iran in its war with Iraq. He was also the prime sponsor of Operation Staunch, in which the U.S. sought to achieve an international arms embargo of the Iranian government.

On January 21, 1987, Mr. Raphael was named Ambassador to Pakistan, the post he held until his death on August 17. He was a man of incredible ability and perception, and was one of the State Department's major assets. His death is a serious loss to the American Diplomatic Corps, and he will be sorely missed.

Brigadier General Wassom was born on December 20, 1938 in Rockwood, Tennessee, receiving his B.S. from Western Kentucky University and his M.S. from George Washington University. He also attended the United States Army Command and General Staff College and the National War College.

Wassom led a brilliant career in the Army beginning in 1961 as a student in the Ordnance Officer Basic Course at Aberdeen Proving Ground in Maryland. Numerous ordnance and artillery assignments followed, culminating in his assignment in 1987 as Chief United States Defense Representative to Pakistan.

These two men understood and accepted the dangers inherent in the effective execution of their assignments, and in the end they paid the ultimate price for freedom. We owe them much.

Mr. DREIER of California. Mr. Speaker, if the gentleman will yield further, I was pleased to join with him in this special order. We are going to continue to pursue this and possibly in the very near future we can launch a letter and possibly a resolution encouraging the United Nations to pursue the Soviets in our quest of actually eradicating this great danger.

Mr. McCOLLUM. Mr. Speaker, I thank the gentleman for his participation.

I thank the gentleman from California [Mr. DORNAN] for his participation.

The gentleman from California [Mr. HUNTER] has now left, and I thank him for his participation.

I would like to follow up and point out that I did see and have a chance to visit with the widows of those two warriors of ours, Ambassador Raphael and General Wassom, and the daughter of General Wassom on the terribly long plane ride home with the bodies of our two men.

They are courageous women and they are a courageous family. We owe them a great deal for allowing their husbands and their fathers to serve this country the way they have abroad and to give of their lives, the greatest thing they can give.

The last comment I would like to make in closing tonight is that for anyone who may not have been listening earlier to this special order, any of the Members, it is important to know the purpose of it. We have 10 to 12 million to 15 million, nobody knows for sure, maybe 20 million landmines, very dangerous mines, all over Afghanistan that the Soviets have laid. These mines are butterfly in nature in large measure. They are of the type that main. They were not designed to kill. They are in violation of international accords by all reputable experts on the subject. They need to be cleared. We have thousands and thousands of refugees now to return upon the leaving and the departure of the Soviets, if they really are departing as we think they are. If we do not have their cooperation, we cannot succeed in clearing these mines and they will kill, as they have in the pictures I have shown tonight, hundreds of thousands of people, or at least main them as they have. It is truly tragic.

Mr. Speaker, I thank these gentlemen for their participation.

Mr. SOLOMON. Mr. Speaker, may I begin by congratulating the gentleman from Florida [Mr. McCOLLUM] for his initiative in calling this special order to bring the issue of Afghanistan to the attention of the House.

As a member of the Committee on Foreign Affairs, I have followed the ongoing developments in Afghanistan very closely. When the

peace agreement was signed in Geneva last April I shared the hopes of many people, indeed millions of people throughout the world, that Afghanistan's long nightmare might finally be coming to an end.

However, a closer study of that agreement left me at first concerned, and finally alarmed, not so much by what it says as by what it does not say. Subsequent explanations by State Department officials who testified before the committee left me even more apprehensive.

In particular, I am concerned about three issues that evidently are not covered by this agreement:

The need to locate and disarm the millions of landmines that have been left behind in Afghanistan by Soviet forces;

The need to remove Soviet-trained personnel who have been placed in positions throughout the Afghan Government and civil service; and

The need to repatriate Afghan children who have been forcibly taken to the Soviet Union for political indoctrination and training.

There are any number of other deficiencies with the agreement. I am convinced that it does not contain adequate commitments by the Soviet Union to provide reparations for all of the damage its forces have caused in Afghanistan. I have been informed by the U.N. Development Program that its initial survey of what needs to be done in Afghanistan points to a 3-year program costing \$1.3 billion that will be necessary to rebuild essential infrastructure, stabilize the agricultural sector, and provide seed money for the private sector.

And all of this is just the beginning. This figure of \$1.3 billion does not include costs associated with resettling 5 million refugees. Millions more have been displaced within the country.

And if I could make a personal observation it would be this: My skepticism about this agreement has been aroused even further by the newsreels coming out of Afghanistan. When I saw Dictator Najibullah sitting there all smiles as he signed this agreement, when conventional wisdom would say he was signing his own death warrant, I wondered what it was the Soviets had told him privately. What assurances had they given him about his own survival?

All of these reservations aside, however, one single event has cast an even greater cloud over the future of Afghanistan: The death of President Mohammed Zia Ul-Haq in Pakistan. President Zia made a resolute stand against Soviet aggression. Indeed, the world has rarely witnessed such courageous and principled leadership by the leader of a developing country.

The only factor that could mitigate my misgivings over the peace agreement was the fact that President Zia could be relied on to protect the interests of all people and governments who desire to see a free and independent Afghanistan.

I sadly fear that we may never see the likes of President Zia again. And now that he is out of the way, I am all the more concerned that the final chapter on the Soviet occupation of Afghanistan may yet be a long way from being written.

Mr. PORTER. Mr. Speaker, I would like to commend my colleagues BILL McCOLLUM and DAVID DREIER for arranging this special order to discuss what has to be considered one of the most heinous crimes perpetrated this century—the laying by the Soviet Union of 10 to 30 million mines throughout Afghanistan.

From the moment Soviet tanks rolled into Afghanistan in 1979, they have conducted a planned, well-orchestrated attempt to completely demoralize the brave and resilient Afghan people. From burning and bombing thousands of acres of farm lands, to forcibly sending Afghan children to the Soviet Union for indoctrination, Soviet actions in Afghanistan have never shirked from total disregard from human rights and human dignity.

While many of us were aware of, and shocked by, the Soviet practice of spreading mines throughout Afghanistan, including, of course, those disguised as toys for children to pick up, I think it is safe to say that no one knew the proportions of this outrageous tactic. It is now apparent that the withdrawal of Soviet troops will not even begin to end the suffering of the Afghan people. Experts believe that mines will be exploding in the fields of Afghanistan for perhaps as long as 10 years. Recent estimates conclude that 25,000 people have already been killed or maimed by the mines, and that 30 to 50 people are killed or wounded each week by these insidious devices.

It is instructive to note that many organizations around the world are planning to work to lessen the harm done by the mines. Prince Sadruddin Aga Khan is attempting to organize a multinational group of experts to educate returning Afghan citizens how to recognize and defuse mines. Turkey, France, Britain, Italy, Norway, and New Zealand, have all volunteered their support to this critical effort. Absent from this list of helpers, or course, is the Soviet Union, the country responsible for the destruction.

Moscow has repeatedly refused to provide any assistance to relief organizations regarding the whereabouts of these mines. They have claimed that the mines they laid would self-destruct within days. To the contrary, we now know that many of these mines will remain in Afghan villages and fields for years to come.

The world strongly condemned the Soviet Union when it invaded Afghanistan. We must not allow the Soviet Union to disclaim responsibility for the past and future destruction its actions in Afghanistan have caused. I want to thank the organizers of this special order for raising once again the terrible injustices that continue in Afghanistan. Hopefully, through these efforts we can lessen the pain and suffering of the courageous Afghan people.

Mr. CRANE. Mr. Speaker, I would like to thank my colleagues, BILL McCOLLUM and DAVID DREIER for organizing this special order to draw attention to the many ways in which the Soviets have blatantly violated the Geneva peace accords. The Soviets have violated all norms of common decency in this war and these treaty violations are merely further examples of the type of Satanic behavior of which this nation is capable.

The agreements, signed by the United Nations, Afghanistan, Pakistan, and Moscow, provided withdrawal of half of the Soviet occupation force by August 15 and a total pullout of all troops by February 15. Only a few weeks ago the Soviet withdrew from the city of Kunduz, as part of their efforts to comply with the peace accords. However, the Soviets quickly reversed their expression of good will and redeployed their forces in the city, engaging in heavy bombing and artillery shelling of guerrilla positions. While the redeployment of these forces did not constitute a direct violation of the accords because the troops had been redeployed from within the country, it nevertheless shows that the Soviets are in no hurry to withdraw their forces in a timely manner.

Suspicion of the intentions of the Soviet Union have recently been validated by a whole slew of Soviet military actions against the freedom fighters. I will insert into the RECORD a horrifying number of Soviet examples of aggression that include such heartless activities as bombing raids on civilians. These acts of aggression clearly violate the Geneva accords which prohibit any intervention by outside forces in the internal affairs of Afghanistan. The United States must redouble its efforts to force the Soviets to comply with the Geneva accords.

The Government of Pakistan has confirmed that the late Prime Minister Zia's plane was downed by an act of sabotage. Given the sophisticated nature of the attack, the United States has every reason to question whether the Soviet Union had a hand in this tragedy. Zia's death is certainly convenient from the Soviet point of view since his leadership has been instrumental in guaranteeing the survival of the freedom fighters. His death certainly decreases the likelihood that the freedom fighters will be able to succeed in their goal of ruling Afghanistan once again. The United States must continue to work with the Government of Pakistan to determine who was responsible for this attack.

The Soviet Union deserves additional scorn for its use of landmines in Afghanistan. Under international humanitarian law, landmines are lawful if restricted to emplacement around government military installations. However, they become illegal if a state fails to distinguish between combatants and noncombatants by deliberately placing mines in civilian areas. Throughout the duration of the war in Afghanistan, the Soviet Union has pursued a violent policy of placing landmines in such civilian areas as wheat fields and towns. Human rights representatives from the United Nations have verified that many of these landmines have been designed to look like dolls, pens, and watches to cause children to mistake them for toys. The freedom fighters estimate that the Soviets have deployed between 3 and 5 million landmines in Afghanistan.

The Soviets have made no efforts to remove these landmines and thus they have clearly violated the United Nations brokered April Geneva accords that call for the safe passage of returning refugees. In addition, the Soviets have been planting even more landmines as they have proceeded to return to the Soviet Union. U.N. officials and relief workers doubt that large scale repatriation of the more

than 3 million Afghan refugees who have sought safety in Pakistan can start until Soviet landmines have been cleared from the countryside. The removal of these landmines can only commence once relief workers know where the landmines have been planted. However, the Soviets continue to violate international law that requires them to provide accurate maps of legal landmines. Even if the Soviets surprise us all by complying with international law in this regard, the vast majority of these landmines cannot be detected because they are not legal, having been randomly strewn about the country.

Because of the immoral behavior of the Soviet Union, hundreds and possibly thousands of additional Afghan citizens will die. The United States must tell the Soviet Union in no uncertain terms, that we expect the Soviets to remove all the landmines that have been planted in this war-torn country. The Soviets should also be obligated to pay war reparations to the victims of this war. At the very least, the Soviet Union should provide relief workers with maps of legal landmines.

The United States must urge the United Nations to take up this matter and pressure the Soviet Union to do the moral thing and remove these landmines. The United States has an obligation to the freedom fighters to stand by them to the end. In fact, our leaders have an obligation to the American people to stand by our allies and show the world that they have learned from their past mistakes—abandoning the South Vietnamese for instance—and that they will never again leave a friend to fend for himself in a time of need. Hence, America must continue to press the Soviet Union to act on this matter. Should the Soviets fail to remove these landmines, the United States should consider additional methods such as economic sanctions to pressure the Soviet Union. In this day and age of improved relations between the Soviet Union and the United States, Members of Congress and administration officials should not be lulled into a state of complacency. All of America's leaders must remain committed to the cause of liberty and justice for the people of the world, even for our friends in far away Afghanistan.

Mr. LAGOMARSINO. Mr. Speaker, before the invasion of Afghanistan in 1979, the Soviets murdered one puppet ruler to exchange him for another and have since that time carried out a vicious attack on the Afghan people. The Soviet savagery continues today as the Red Army retreats and it will continue into the future even if the Soviet Army completes its withdrawal from Afghanistan.

Afghans will have to endure the barbarity of the Soviet Union because of millions of mines planted in Afghanistan by the "glasnost government." Of course, Mr. Speaker, Soviet Foreign Minister Eduard Shevardnadze informed the Afghan people and Secretary of State George Shultz that most of the mines destroyed themselves within several days of being planted. Yet, in a recent visit here by Afghan journalists, we are informed the mines are so numerous and dispersed in the villages and other civilian regions in their country that the people who live there warn others of a mine field by driving a stick into the ground

and hanging the remaining clothing of the obliterated victims of Soviet mines on the stick.

Soviet Foreign Ministry spokesman Gennadi Gerasimov has assured the State Department and the Afghans " * * * that we are not involved in any mine war against the people of Afghanistan." However, the United States has received intelligence reports that the Soviet's have, in recent weeks, actually laid new mines as they back out of Afghanistan. This is why the United States should approach the rhetoric of glasnost with extreme caution, for glasnost can kill. While the Soviets talk peace, they kill their enemies. It is a graphic display of the ruthless war the Soviet Army waged on Afghanistan and the legacy of horror the Soviets have left behind to welcome home those who fled for their lives from the invading Soviet war machine.

As the Soviet Army slowly withdraws from Afghanistan, leaving behind their mines and the tragedy they bring, the Afghan refugees around the world await the day when they can go home. They are very reluctant to do so however because the Soviet Union is leaving behind millions of mines—which they deny even existing—they refuse to even provide mine field maps which they had promised to do—for the United Nations so that the work may begin to bring a measure of safety to this war-torn country. Even if the Soviets did provide maps, it is nearly certain that hundreds, perhaps thousands of people will die or be maimed by Soviet mines. This is due to the method which the Soviets chose when they decided to wage mine warfare on civilians.

The Soviet Army scattered millions of mines across the countryside where they lay hidden in wheat fields, mountainous regions, and agricultural areas to dismember a farmer or maybe a child going for a walk in the country.

The Soviets scattered these mines in places which have no tactical significance. Why did the Soviets choose to plant these mines in such militarily insignificant places? The children of Afghanistan know why.

As they innocently reach down to pick up a new found toy, compliments of the U.S.S.R., they have tragically lost their arms, legs, eyes, and even their lives when these disguised mines explode. Afghan children have learned that Soviet-made toys are intended to be lethal.

Soviet genocide does not end with mines. There are reports the Soviets have engaged in chemical warfare in Afghanistan while continuing their indiscriminate aerial and artillery bombardments on civilians. During attacks by the Soviet Army on villages, Afghans speak of watching Soviet troops wearing protective suits, pour unknown chemicals into water wells which lead to tunnels where villagers hide. After the attacks, the villagers go to these tunnels to find their families asphyxiated or burned to death. There are reports of Soviet planes flying overhead, spraying poison on already depleted food supplies. If the Afghan people eat this food they die or become deathly ill. If they do not eat, they starve. The Soviet tactics clearly are scorched earth tactics.

The Soviet Union that knowingly increases the suffering of Afghan men, women, and children and refuse to even provide mine field

maps to help end this terror is the same nation that some wish to blindly trust in other regional conflicts around the world. The Soviet Union that creates mines that look like dolls, pens, and radios to dismember unsuspecting children and their parents is the same genocidal nation that is pumping millions of dollars of military assistance into Nicaragua—today. Are we taking their word in Nicaragua and getting set up for more Soviet-style terror on the American mainland?

If things get out of hand in Central America will the civilians who live there continue to meet the same fate that so many innocent Afghans have and will have at the hands of the Soviet funded Sandinistas? The freedom loving Afghans know better and so should we. The Afghan freedom fighters did not successfully challenge the Red army and its surrogates by taking the Soviets at their word. The experience of the Afghan rebels taught them to know better and so should ours.

Mr. BURTON of Indiana. Mr. Speaker, I merely wish to add a few words to what my colleagues are saying so eloquently about Afghanistan. I commend my colleagues for their sincere compassion for a people in the throes of tragedy, and I share that compassion. Not many are aware of a simple, yet brutal fact: The people of Afghanistan are the victims of a genocide campaign conducted in this decade by the Soviet Union.

What a difference, gentlemen! When we left Japan—and we were only there because we won a war against aggression—we left behind a legacy of democracy, freedom, and economic initiative. Japan is what it is today because of our friendship and generosity. That is exactly the legacy we were trying to build in South Vietnam. What a difference! What is the Soviet Union leaving behind in Afghanistan—and that's if they really do leave? The Communist legacy in Afghanistan is millions of unexploded mines. Mines waiting to cripple, maim, and kill innocent children and others. The Soviets may or may not leave Afghanistan, but their brutal, murderous footprints will remain for years.

This is not plagiarism. It is direct attribution. I was honored to have Oliver North do a fundraiser for me a few weeks back. He said something that stuck in my mind. "Communism only works in two places: in heaven where they don't need it, and in hell where they've already got it." My friends, if you want a glimpse of hell, just go to Soviet occupied Afghanistan.

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore (Mr. CLARKE). Is there objection to the request of the gentleman from Florida?

There was no objection.

THE IMPORTANCE OF THE AIDS FEDERAL POLICY ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from California [Mr. DANNEMEYER] is recognized for 60 minutes.

Mr. DANNEMEYER. Mr. Speaker, the House is scheduled to take up H.R. 5142, the AIDS Federal Policy Act, this Friday, September 16.

I would like at this time to bring some information to the attention of the Members relative to the tremendous importance of this legislation and what we will be doing in the 100th Congress on this issue.

It is not an overstatement to say that this bill may very well turn out to be one of the half dozen most important acts that will be considered and passed upon and perhaps adopted by the 100th Congress.

The reason I make this statement for this legislation is quite simple. We Americans are witnessing a tragic epidemic in this country. We are going to lose more of our young men to this tragic disease by 1991 than this Nation lost in all of World War II in the category of killed in action, a little less than 300,000 people. That is a tragic loss of life.

Even more tragic is the failure of certain public health officials to pursue steps that historically our society has pursued to control communicable disease that has come into our culture. Failure is the only work to give to this lack of action on the part of such people as Surgeon General Koop, Dr. Windom, the Assistant Secretary of Health under Dr. Bowen, Head of HHS, and Dr. James Mason, Head of the CDC in Atlanta, GA, and along with certain public health officials in some of the major cities of America. I am talking now about New York, San Francisco, and Los Angeles. The reason that I mention San Francisco, New York, and Los Angeles, is quite simple. Those three cities come close to representing about half the AIDS cases in America.

□ 2000

Indeed, those two States, New York and California, present about half the cases in the country, and the citizens of those States, my State of California, for instance, and the citizens of the State of New York and all of us in America have watched with puzzlement, bewilderment, and sadness at the public health officials that I have described who have backed away from pursuing the routine step that historically has been pursued in our society to control any communicable disease, that is, the concept, the cornerstone, the foundation stone of reportability for those who have the sickness or the disease to public health authorities, and in confidence contact tracing takes place.

Our society has had a procedure in place for controlling venereal disease, communicable, for as long as public health authorities have been in existence.

I think I can contrast how the system has worked very simply with this brief metaphor. Today in the United States if a physician finds a patient with a curable venereal disease like syphilis or gonorrhea, that doctor is required by law to report the name, address, and telephone number of that patient to public health authorities, and contact tracing takes place. On the other hand, if that same doctor finds a patient with a noncurable venereal disease like the virus for AIDS, in most States of the Union there is no requirement that such a person be reported to public health authorities, and in my State of California there is such an absurdity on the books called A.B. 403, adopted in March 1985, that if a doctor would report a patient with a noncurable venereal disease like the virus for AIDS, in California the doctor would commit a crime. In California the law is that if the doctor finds a patient with a curable venereal disease like syphilis or gonorrhea, the doctor is required to report that patient to public health, and contact tracing takes place, but if the same doctor finds a patient with a noncurable disease like the virus for AIDS, not only in it not reportable but, as I indicated, if the doctor would report it, the doctor would commit a crime. People cannot believe that the law would be in such an absurd posture when I describe it to them as I have just done. In fact, they have talked with me after speeches around the State and in the country saying, "Congressman, that cannot be. How could it possibly develop that we would mandate the reportability of a curable venereal disease and make it a crime to mandate the reportability of a noncurable venereal disease? What is going on?"

Very simply we Americans are looking at the first politically protected disease in the history of the country.

The three high officials whom I have described, Dr. Koop, Dr. Windom, and Dr. Mason, have temporized on this issue. On occasions they have said they support reportability for those who are HIV positive to public health authorities. On other occasions they have talked out of the other side of their mouth. They have not spoken with the clearness, vigor, dedication and commitment that our Nation should be pursuing this policy at every State in the Union without equivocation, and as I have indicated, the health officer of the State of New York is not pursuing this policy nor is the health officer in the State of California pursuing this policy, that is, reportability for those who are HIV positive to public health authorities in confidence and then contact tracing would take place.

To the credit of a significant number of the subdivisions of the Medical As-

sociation of the State of New York, those good physicians in those subdivisions have filed a suit against the health officer of the State of New York to compel him to exercise his discretion, Dr. Axelrod, to add persons who are HIV positive to public health officials in confidence so that contact tracing can take place, and we would have a step taken to diminish the transferability of this fatal disease to other persons. I commend those physicians in New York State for having filed that lawsuit and wish them success in the court system against Dr. Axelrod.

Similarly in California, we Californians have placed an issue on the ballot called proposition 102 that would permit the voters of California to decide whether or not we want to reverse this absurd law, A.B. 403, that was adopted in March of 1985, and establish a public health response to the AIDS epidemic rather than a civil rights response.

We in the House, in consideration of H.R. 5142, will have an opportunity for voting on an amendment that will mandate reportability of those who are HIV positive to public health authorities in confidence. Some of my colleagues have, from time to time, objected and said, "Congressman DANNEMEYER, we should not be treading on States rights. We should let the States decide whether or not they want to have as a policy the issue of reportability for people who are HIV positive," and I have to admit that there is a certain credibility to the argument of States rights. I have supported it on many occasions in this body, but given the magnitude of the problem we Americans are facing, the numbers of hundreds of thousands of people who are going to die in this country, and the tremendous expenditure of health care dollars in the bills to care for these people of this tragic disease, we are looking, we are staring, in the face a major health crisis in America, and I do not believe it makes sound policy for us to say to the legislatures of the States of this Union that we will let them determine on this major epidemic facing the American people whether or not they want to have reportability for those who are HIV positive.

The reason I say that is because for us to pursue that policy of letting the States have the option is not unlike having pursued the policy in World War II, which fortunately we did not, but the comparison is appropriate, that if we had said to the Governors of the States of the Union that they had the authority to decide whether they wanted to send their sons to defend the Federal Government in World War II, I do not think that would have been a credible policy with which to pursue World War II. Similarly, for the Nation today, given the magnitude of this problem, to permit

the States to determine whether or not they want to have persons who are HIV positive in their States reportable to public health when they present cases of the virus is not what I would believe to be a good public health response.

Let me recite to my colleagues some of the authorities who have advocated that this person pursue a national policy of reportability for those who are HIV positive. The President's Commission, in its final report, recommended that identity link test results be reported to public health authorities in confidence so that public health officials may pursue partner notification. In June of this year, the American Medical Association called on States to trace the sexual partners of people infected with the AIDS virus. "I think that contact tracing has the potential to substantially reduce the proliferation and spread of AIDS," said Dr. Gene Salmons, executive vice president of the 295,000-member AMA. The Medical Society of the State of New York recommended in February that New York State policy on reporting be modified so that reporting would be confidential but not anonymous. "Individuals who are found to be seropositive for the AIDS virus would be reported to public health authorities on a confidential basis with enough information to be epidemiologically significant." In order to be epidemiologically significant, New York State considers changing from a system of anonymity to a system of confidentiality for persons with HIV infection. The Medical Society concluded that, "The current policy of providing total anonymity to individuals testing positive is inappropriate from a scientific standpoint and has the potential to frustrate efforts to deal with AIDS."

The significance of this position for New York State, and I will mention again that that State represents roughly one-third of the AIDS cases in America, and if some good physicians in that State have finally awakened as to what course that State should be pursuing, I think it is something that we in the Congress should consider as well.

The need for the amendment that this Member from California will be offering on the issue of reportability was best stated by the Colorado State Health Department when it adopted the requirement for mandatory reporting of HIV-infected individuals just 8 months after the FDA approval of the ELISA test, and that was about in March 1985.

The purpose of mandatory reporting is fourfold: First, to alert responsible health agencies to the presence of persons likely to be infected with a highly dangerous virus; second, to allow responsible health agencies to ensure that such persons are properly coun-

seled as to the significance of their laboratory test and to advise them as to what they need to do to prevent further transmission of the virus; third, to allow responsible health agencies to monitor the occurrence and spread of infection of the virus in the population of Colorado; and fourth, to allow responsible health agencies to recall persons with likely or proven cases of HIV infection when specific antiviral treatment becomes available.

Roughly 12 States in the Union now mandate reportability in some form. Those 12 States, unfortunately, compose around 10 percent of the total cases nationally. Colorado, Idaho, Virginia, and South Carolina all require reporting of HIV infections in confidence and encourage partner notification. The results of their efforts are testimony to the benefits of and need for reporting.

Colorado, new positives, 45, total tested, 296, the percent of positive, 15 percent. Idaho, new positives, 23, total tested, 59, percent of positive, 39 percent; South Carolina, new positives, 12, total tested, 68, percentage positive, 18 percent; Virginia, 44 new positives, total tested, 318, percentage positive, 14.

Some States claim reporting will drive those most likely to be infected underground because such information in the possession of public health threatens confidentiality of test results and could result in discrimination against infected individuals.

Dr. Tom Vernon, director of the Colorado Department of Health, reports that his State has vigorously pursued reporting and contact tracing policies since 1986, and that there have been no breaches of confidentiality and no problem with discrimination.

According to Nancy Spencer, Colorado State AIDS program manager, "The thing we think we are doing is preventing a person who has tested positive from transferring it to one new partner."

A 1987 South Carolina study also suggested that tracing those who had intimate contact with people infected with AIDS is effective in controlling the spread of AIDS.

The South Carolina study involved a rural county health department tracing the contacts of one man found to be infected with HIV. Investigators tested and counseled all 19 of the man's reported contacts, and found additional contacts from those found to be HIV positive. The investigator reported that after counseling, many changed their sexual habits, and the HIV positive men reduced their sexual contacts by 82 percent, and uninfected men reduced their contacts by 54 percent. South Carolina health officials contend that behavior changes result-

ing from the tracing made the effort worthwhile.

This Member from California has read a great deal of material over the last 3 years. I have written some, shared some of this with my colleagues, and I will at this time read for the attention of my colleagues what I consider to be the most succinct analysis of the fundamental error in public health officials in America today that deals with the issue of reportability, in responding to the AIDS epidemic. This speech was given by Dr. David Pence, on November 4, 1987, to 1,100 physicians and community leaders in Grand Rapids, MI.

□ 2015

The reason I think this man, Pence, has something to say for all of us is because not only is he a doctor, an M.D. practicing in Minnesota, and I have never met him but I have talked with him on the telephone, but he also has an interesting background. This is what he says describing himself.

Finally, let me speak as a man of the Vietnam generation. The AIDS epidemic is our war. We know how to lose a war. Fight without a definable strategy or objective. Talk about winning hearts and minds, and education, rather than establishing territorial dominance. Discourage individuals from exercising leadership by assigning every problem to a committee representing every viewpoint and then charged with developing a consensus. Succumb to those who protest the goals of your policy by compromising the tactics needed to attain them. Ask of your young men for their lives, but demand nothing from the general population. Personally, I have seen enough young men die because authorities could not decide if they should try to win a war or pack up and leave. We cannot leave this war—so let us fight it to win.

Dr. Pence, I might add, marched as a civil rights activist in the South in the 1960's. He exercised his conscience in the Vietnam war and actually served time in the Federal penitentiary for the exercise of that act of civil disobedience, and yet today he is an eloquent spokesman for correcting an error in the course of where public officials in America have dealt with developing a public health response to this epidemic.

I would just like to read his comments at this time:

Someone once asked G.K. Chesterton if he believed in "progress." He answered that if a man begins a journey by turning down the wrong road, then "progress" would only lead him further from his true destination. Chesterton much preferred the idea of reform. "Reform" implies a reliance on certain forms and standards by which to judge the merit of a particular course of action.

The argument which I wish to propose this evening is that in the formulation of public policy to interrupt the transmission of the Human Immunodeficiency Virus (HIV), we have been turned down the wrong road for a good while now. Future steps in the same direction will in fact lead us further from our true destination—the control of the AIDS epidemic.

A true reform of these policies will indeed necessitate a return to certain traditional standards and forms by which we can judge our efforts. The standards which will form the basis of our strategy are to be found in the basic tenets of our political philosophy. A reform of present policies must be based on the application of traditional public health measures formulated over the past century to prevent the transmission of incurable infectious diseases. We should note that while HIV is a new phenomenon, the applicable principles of public health policy were formulated long before anyone had ever heard of the AIDS epidemic.

While AIDS is certainly a medical problem, the pivotal institutions which must contain the epidemic are local and state governments. It will be local communities acting through our political institutions which will coordinate both the educational and enforcement measures needed to prevent transmission of the HIV. While AIDS is a national and global epidemic, the measures needed to prevent its spread will depend on the prevalence of the virus in a particular community. While the problem of AIDS knows no boundaries, its solution lies in the exercise of public health enforcement and policing functions which by their nature are limited to local territorial jurisdictions.

It is this fact which presents us with the first great paradox of the AIDS debate. The communities which have the highest incidence of the disease have been the most reluctant to apply stringent public health measures to prevent the transmission of the disease. This is largely a consequence of the lobbying efforts of gay special interest groups who have used the AIDS epidemic to further their own ideological agenda. It is certainly no coincidence that the communities which have the highest incidence of the HIV are also the most susceptible to the alteration of public policy by the pressure of the gay lobby. An early error in the establishment of AIDS task forces was the mistaken belief that public policy could be formulated by achieving consensus between gay activists, public health officials and clinical physicians. Surveying present policies in most states, we must conclude that to achieve consensus with gay activists, public policymakers have stripped themselves of the traditional armamentarium of public health agencies. In fact, the second great paradox of the AIDS debate has been the labeling of legitimate concerns of health care workers, parents, physicians and political leaders as AIDS hysteria. Individuals who have advocated traditional public health measures have been derided as fascistic, "right wing" and homophobic. These personal slurs have silenced many medical professionals from entering the AIDS debate because they are unaccustomed to such vitriolic personal attacks corrupting civil discourse. Meanwhile, the wildest fantasies of governmental conspiracy and persecution have been accepted as a rationale for limiting public health officials in exercising their legitimate surveillance and enforcement roles in facing this epidemic.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to my colleague, the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I do not wish to interrupt the gentleman's rhythm, but I would say this is a perfect point for me to clarify

a few points about these lobbying efforts in some of the major areas of country.

First of all, a thought that the gentleman might implement. It is a discipline I have applied to myself, and I not too infrequently make the mistake of violating my own rule, because the word has become so commonly interchangeable with homosexual, and that word is gay. I was on television on a daily basis, a live public affairs program handling all of the issues of the day when America generally settled on a perfectly dignified word for Americans of Afro heritage, African heritage. There was still in the early 1960's and mid-1960's the National Association for the Advancement of Colored People, and there were people wearing African or Afro style clothes. Many groups were referring to themselves as Afro-Americans. The word black was coming into usage, and I had a particularly eloquent Los Angeles Rams football player who was on my program with a display of his absolutely beautiful art. His name was Bernie Casey. My colleague may remember him, a great wide receiver for the Rams.

On that particular show my host was a black lady of some distinction at that time, the widow of the incomparable singer, Nat King Cole, who was quite a person, and she was a political expert in her own right. She was kind of torn between the term colored people and the term Afro-American. And I ask Bernie Casey, this L.A. Rams football star, what he thought was the proper word. And he said it is a fair question, and he said, I think the black community is settling on this word black. And he said I think the other words will fall into disuse, and he said I think it is just one of those things that evolves innocently enough, but I think black is pretty well the term to use.

From that moment forward, with just a few lapses in the beginning, I applied the word black to all my friends of African heritage.

Shortly after that, maybe a year or two, there began a public relations effort, and I underline public relations effort, to transpose for the word homosexual, the word gay. Gay was an adjective used in Christmas songs. Bing Crosby used it in the opening of the song, "I Surrender, Dear." I can be happy, I can be gay. We have gala balls, we referred to gay young blades, gay bachelors, gay divorcees. It was a word that meant joyous, happy, cheery, good-natured.

I deduced at that time in the late 1960's that this was a public relations proselytizing effort to take an adjective, the word "gay" and turn it into a noun, and to make a statement to the world that this alternative lifestyle, to use a tortured euphemism, was some-

how or other better than being straight, a straight heterosexual male or female, that this was a happy, cheery, vibrant, bon vivant, *jole de vivre* type of lifestyle to be gay. And I refused to cave in on the show, as I had graciously done, no reason not to, to accept the word black for a racial group that was a large and vibrant group in the United States. But here was a sexual choice lifestyle, taking an adjective, applying it to themselves and saying we are gays, happy, cheerful, and I knew then from guests on my own and from growing up in the Los Angeles, Beverly Hills, Hollywood area where many acquaintances and family friends, people that I knew and liked were practicing this lifestyle, that it was anything but gay. And it was not because of any heterosexual pressure or societal condemnation. It ranged the whole gamut, and I remember when President Johnson lost one of his key aides, and mercifully for his family I will not mention the name, a top policy advisor of a very activist President who could have had the privacy of any hotel in this town, but he chose to prowl around the men's rooms at the Washington Monument where he was busted. And as we know, some Congressmen, colleagues on both sides of the aisle, one of them from our side, was busted on the sixth floor of the Longworth Building because one of the men's rooms there had become a hangout place for the thrill of being possibly caught, the adventure, the danger, all of that, not gay, but sad part of trolling, as they call it.

One of the Members in this Chamber is reported in a newspaper in his State to have said about the political choice of the current Presidential candidates, and this is a Member of Congress who is supposed to have said this, it is right in print, and who knows if it is true, that it is like being in a singles bar, for him that would translate into a homosexual bar, a gay bar, at about 10 minutes to 2 at night when you know your choices are limited. There is that contact with strangers, making contact in this sad, gloomy, depressing style that they try to call gay style of life.

And then came the AIDS epidemic. And if ever that word gay, a former and still occasionally used adjective should not be turned into a noun to describe a sexual proclivity, perversion lifestyle that is killing by the thousands, then when are we ever going to straighten out the language? There is absolutely nothing wrong with the medical word heterosexual or homosexual, and that is what I choose to use, and I would recommend it to my good colleague as he does some good work in this area. And it seems one of my roles vis-a-vis his excellent special orders on this tremendous plague of death that has hit the modern world and has now cut into the Communist

world, is to bring over to the floor the latest statistics so that he can stay up on this. Unfortunately, I do not have the last 2 months' newsletters from the Health and Human Services Department, but I have them up through August 29.

We have finally gotten into the death tolls, and this is probably 10 to 20 percent low, of almost 41,000 dead people. This is as of the end of August, so it is way beyond that now, pushing 42,000 dead. We are now into the 40's. That puts us way beyond Korea combat deaths toll of 33,629, and that puts us much closer to the 47,000 combat deaths in Vietnam. And the overall cases reported, remember, we have both agreed that there are many doctors for some very heartfelt reasons who have reported deaths as heart failure, pneumonia, forms of cancer that come with AIDS rather than break the heart of a family that they know closely, there are tens of thousands of cases that have gone unreported and result in deaths. But the cases reported as of the end of last month are over 72,000.

At our convention, the Republican Convention in New Orleans, I walked past one evening a doctor who has I think one of the most difficult, responsible jobs in this country. Under the title of Health and Human Services, take out the word health. The Under Secretary for Health is Dr. Ian MacDonald, and he is excellent, and he takes his guff, and ugly epithets about being a homophobe and right-winger, and all of this stuff, when all he is trying to do is be a good medical doctor. Dr. Ian MacDonald said to me, and with my wife and a couple of friends standing there, because my group brought up the good fight he is waging on trying to alert the country on the enormity of this plague, which is exactly what my friend, the gentleman from California [Mr. DANNEMEYER] is trying to do tonight. He said that when our convention next comes together, the Republican Party, which would be 3 years and 11 months from now, in that Presidential year of 1992, which will either be the end, God willing they live, the end of the first term of Mr. Dukakis or Mr. Bush, at the end of those 4 years, in 1992 when we convene he said 96,000 people will die of AIDS in that year alone.

□ 2030

And that is if the statistics stay pretty much consistent with the predictions of Health and Human Services and this superb doctor up there at the NIH, Tony Fauci and that group that I admire so much, that that figure, in that year alone, will be double the Vietnam war combat. That is in just the year of the convention. With the years leading up to it of 1989, 1990, of course, it will still be going off the charts. So this whole

idea that for small States that are not pressured by so-called gay rights groups, homosexual groups that are not pressured, they have good health policies in those States which need it—we all need it, but they need it less than the major States of New York, Texas, Florida, and California, it is absolutely a frightening battle that you and I and a handful of other people in this country have to keep pleading for good health policy and suffer some of the criticism I heard out in the hall today against the gentleman in the well about "Can't we on our side of the aisle shut the gentleman up in one of his amendments that he won today?" It is just amazing that we close down this 100th Congress, and my first move in the 100th Congress on the day we were sworn in—I think it was January 6—was to have a press conference downstairs in H-139 and record week by week the deaths from the year of 1986. And in that year we had 2 weeks only where we were over 500 people dead in 1 week. We have already had plenty of 600 killed-by-AIDS weeks in this year of 1988 and a couple of dozen weeks that were over 400. In the Vietnam war we had only one bad month period from the Tet offensive in January, February, and March of 1968 where we had weeks of young men and a few nurses killed in combat that were over 400. It was a horrible few weeks. Then it settled down to ghastly weeks of 200 killed every week. Well, you do not ever have a week now with a death toll of not more than 200. And we are going past 400 on a regular basis. So again, it is getting to be a broken record around here.

I commend the gentleman, a voice crying in the wilderness, sometimes, for taking the well. And to tell the gentleman the truth, he takes a lot of heat from me because our districts adjoin one another. We are in the same beautiful county of Orange, the second most populous county in Los Angeles. So I am just thrown in as an afterthought when these groups attack. I even saw the gentleman on the headline of Saturday's newspaper in the great Orange County Register newspaper that somehow or other he was not the proper choice to go down and represent Vice President Bush or his campaign at some convocation in San Diego on AIDS. So now I ask the gentleman two questions for my edification: When is that conference? Was it this weekend? Is it coming up? And what does the gentleman intend to do there to alert the medical community to their sworn obligation to protect the population of this country from disease, and in this case certain death?

Mr. DANNEMEYER. The conference is scheduled for Friday. It is composed of, I think, 500 physicians from around the country that happen to

meet in San Diego. This Member was asked by the Bush surrogate team for me to go there and speak to them. I told them I would be happy to perform that honor on one condition, that if the AIDS bill came up on that day in the House when I was scheduled to be in San Diego, which was Friday, I could not accept the privilege of going there to speak for the Vice President.

Mr. DORNAN of California. And that may be the case.

Mr. DANNEMEYER. That may be the case. So if the AIDS bill comes up on Friday, that is the discussion of the bill relating to the amendment stage, I will have to be here. But the last word I had today by the powers that be around here was that we probably will take up the AIDS bill on Friday, but only on the rule. If that happens then perhaps I will be able to be in San Diego speaking for the Vice President on the issue.

Mr. DORNAN of California. And what is the convention there?

Mr. DANNEMEYER. I do not know the name of it. It is a group of physicians from around the country.

Mr. DORNAN of California. Of various viewpoints so that there will be some papers issued?

Mr. DANNEMEYER. There will be a spokesman there for Dukakis and then there will be a spokesman there for Mr. Bush.

Mr. DORNAN of California. A final thought to add to your special order and to tell you how this thing is being discussed around the world. The gentleman knows that I told him I rode the trans-Siberian Railroad last month, spent some time in Moscow and Poland. And whenever I am in an embassy I like to save time and ask people where their last posting was or if they have just come from some other country. Then I get two or three country briefings for the price of one.

There were several people assigned at some of the posts that I visited in Mongolia and Moscow and Poland and London that had come from African countries. One person told me that they visited an AIDS clinic in I believe one of the equatorial countries, near the old Belgian Congo area, either Zaire or one of the Z countries in there.

He said it was so frightening to see how relatives would come and dump off a person dying of AIDS. The stench was so foul in one of the wards that he had an automatic gag reflex and thought he was going to embarrass himself by throwing up in the middle of the ward. So he just prayed to make it to the end of the ward holding his hand over his face. He said he had never conceived in all of medical history such a tragic sight in any period. It must be similar to what gathering places looked like for the dead and dying during the Bubonic

Plague in the 1300's when people were swollen with Buboes in their thigh area and armpits and were just left to die and were put on carts and all the bodies were burned. He said Africa is so tragic that he cannot understand why it is not an ongoing story, as my wife says, "Where are the rock bands for the starving now in the Sudan? Where are the rock bands for all the people dying in Africa?" Bob Geldorf, a young Irishman who is trying hard to do something about the starving in Ethiopia is competing with our great President Ronald Reagan and General Secretary of the Soviet Union Gorbachev for the Nobel Peace Prize, but it seems like we need thousands of Bob Geldorfs to not only take care of the monsoon horrible floods in Bangladesh and Hurricane Gilbert hurting people in our own front yard in the Caribbean and the unbelievable pictures of starvation, worse than Ethiopia if that is humanly possible to have more harmful images, coming out of the Sudan. We do not have anybody photographing the AIDS—the word clinic does not apply anymore—the AIDS holding areas for the dying in Africa.

There is nothing to do for them. One of the horrors unknown in Africa that I was informed about by my good doctor friends up at the National Institutes of Health, particularly the Institute of Communicable and Infectious Diseases, is that the middle class in some of these African countries was hit first. So they lost their lawyers, their doctors, their public servants, their civil service corps and the very people that would have been called upon to transmit a message of good health policy; they are dead.

In this country very few doctors have died of AIDS. We have got the world's greatest health system ever in place and it is crippling itself, and it is done in the name of gaiety. It is absolutely pathetic.

Mr. DANNEMEYER. I thank my colleague for his contribution.

Mr. Speaker, let me continue:

The real hysteria in the AIDS debate has been engendered by a self-serving lobby who are trying to appropriate government functions and funds to themselves by proclaiming governmental agencies incapable of the effective and equitable performance of their legitimate duties. This paranoid mistrust of government coupled with an unwarranted reliance on the willingness of infected individuals to change their behavior and notify their contacts has been a major obstacle in formulating an effective AIDS policy.

The final paradox which emerges from this paralysis of public health agencies in the performance of their duties is that the individuals who are most harmed by governmental inaction are individuals engaged in homosexual activity and IV drug use. We must never forget that in proposing sound public health policy we will be opposed by the self-appointed spokesmen for the gay lobby, but we will be protecting the lives of

individuals who are engaged in homosexual activity.

BASIC PRINCIPLES OF PUBLIC HEALTH

Let me counsel first a sense of confidence and deliberation before urgency in reforming our course. We must have confidence that our religious heritage, our democratic institutions and our medical and legal professions can equip us to deal with this crisis. We must be deliberate in assessing not only the bankrupt policies of our present strategy but the fallacious assumptions which led to their adoption. Then and only then we must be urgent in reforming our course of action.

Let us first outline the basic principles which should underly public health policy. An infectious disease which cannot be cured can only be controlled by interrupting its transmission. This necessarily entails: 1) case finding—the location of carriers of the infectious disease, 2) contact tracing—the location of all individuals who have been exposed to an infected person in the manner by which the agent is known to be spread, 3) the determination if carriers will continue the activity which spreads the disease and the isolation of those who will not comply with desist orders, and 4) the closing of public establishments which foster the activity by which the disease is spread.

To the credit of laboratory science, we have a test which can reasonably determine who carries the AIDS virus even if the person does not appear infected or ill. These people can spread the virus even though they never develop the complete syndrome of AIDS. It is important to understand that for purposes of public health policy, rules and regulations must apply to all carriers of the virus and not simply those who have the end stage disease. Unfortunately, the scientific genius which has developed diagnostic tests has not been matched by a corresponding wisdom in the political community to effectively use them. Traditional public health measures are applied to a particular disease when state public health authorities declare the disease to be reportable, communicable, or some other similar designation. In almost every state in the Union there are provisions for casefinding, contact tracing, isolation of recalcitrant carriers and the closure of places of transmission if the infection is classified in the appropriate designation. Unfortunately, the great majority of states have not so designated the HIV carrier state and thus "the epidemic of the century" has been granted a peculiar immunity from the protective measures of standard public health practice.

DEVIATION FROM TRADITION

Let me illustrate the manner in which we have deviated from traditional public health policy.

The first component of public health strategy is built on identifying individuals who are infectious—thus for public health purposes, the distinction between early HIV infection (the carrier state) or endstage infection (AIDS) is unimportant. In fact, it is the asymptomatic carrier who is probably the greatest danger as a potential source of transmission. For the first time in the history of public health, anonymous testing has been allowed and even encouraged by public health officials. The early rationale for this was that anonymous testing would prevent people from going to plasma centers to find out if they had the AIDS virus. This is a tortured argument since plasma centers demand identification before testing. It was a good idea to set up testing centers, but it

was a fundamental conceptual error to allow that testing to be anonymous. Remember the crucial distinction. Confidential testing means results are known only to the patient, his doctor and public health officials. This is the standard practice throughout medicine. Anonymous testing means a person is tested without giving his name. This practice is unique to the HIV infection. "Con fidei" means "with faith or trust." "A nomos" means without a name. In this juxtaposition of two Latin phrases we find the failure of our present policy. Gay lobbyists have convinced officials that the government and medical profession cannot be trusted. The nameless carrier of the virus, however, is to be granted total discretion in warning his sexual contacts and desisting from the behavior which spreads the disease. This policy displays an unfortunate naivete when we consider the addictive and compulsive behavior by which most HIV carriers contracted the disease.

The second component of public health strategy, contact tracing, has also been largely abandoned in dealing with the AIDS crisis. It is of course impossible to trace contacts if names of positive carriers remain anonymous. Every state, however, knows the names of individuals who have the end stage AIDS infection. With the possible exception of one or two states, there has been no systematic attempt to secure contacts from AIDS patients in order to warn them that they may have the disease and may be spreading it.

Again, one can count on a single hand the states which have attempted to establish a mechanism to deal with recalcitrant carriers—people who have the virus and knowingly engage in sexual activity.

No state has taken the minimal step of closing gay bathhouses where anonymous serial sexual encounters are commonplace. In my own state, bathhouses are defended as places of education because before one enters the upstairs bedrooms, he is exposed to wall posters advertising condom use. Understand the paradox clearly. Those of us who advocate closing the bathhouses are derided as homophobic. Yet, closing them would save the lives of men most prone to practicing serial anonymous homosexual activity. Think clearly about this question and ask if this is compassion to leave such establishments open. Ask who really speaks for the men who seek this depressing environment for random sexual contact. Is it the average citizen who shows disdainful neglect? Is it the gay spokesmen who defend an ideology at the expense of individual lives? Or is it the doctor, the minister, the policeman or the public health official who says, "Enough, enough—not one more life lost to preserve this commerce in misery and death."

THE SOURCE OF CONFUSION

Earlier in this presentation I cautioned that before we are driven by a sense of urgency we should allow ourselves a time of deliberation. Let us deliberate. This truly is the epidemic of the century and yet, we have not only failed to act, but we have just barely begun to discover the vocabulary needed to deal with the disease. We are facing an epidemic which will be contained by acts of statesmanship which must combine the grand strategy of a field marshal with the simple wisdom of a country doctor. Unfortunately, our political language and ideas have been corrupted by two decades of adolescent posturing and sloganeering. Think back 20 years. Imagine streets filled with college students proclaiming the gov-

ernment to be corrupt, police power to be a manifestation of fascism and sexual constraint to be a middle class death trip. Imagine women demanding abortion rights to escape motherhood and young men demanding an end to the draft to escape military duty. Remember the celebration of individual autonomy and the denigration of the authority of government, of educators, of the professions, indeed of "anyone over thirty." Remember a burgeoning population of baby boomer adolescents who created a "youth culture" and quite simply refused to grow up. It should be no surprise that a movement which struck at the adult protective duties of men and women as soldiers and mothers has produced a mass culture of extended adolescence. The AIDS epidemic is an alarm clock. It is a wake up call for my generation—the party is over and someone has to clean up the mess.

Let me remind you that the civil rights and antiwar movement of the 60's and 70's is not a newspaper story to me. I graduated from medical school when I was 38-years-old because I spent my twenties as a full-time activist in what we called "the movement." Like Augustine, I have many confessions to make; but like Paul, my former activities have taught me tactical lessons which I hope to employ in the defense of institutions and cultural norms which in my youth I sought to overthrow.

THE TWIN ERRORS

There are two fundamental cultural and political errors which we must understand if we are to find those turns in the road which have led us astray.

First, the skewing of public discussion in a manner which has overemphasized the autonomy of individuals as the overriding goal of political community. It is true that each of the state and federal constitutions include a bill of rights. It is also true that the fundamental purpose of a constitution is to "constitute" a government. Free men delegate certain powers to the institutions of government in order to preserve our safety and promote the public good. Our liberty is not simply measured by what we can do as individuals. Our liberty is also defined by our ability to act as communities accomplishing the functions which free men delegate to democratic governments. A particular genius of our American system is that one of the fundamental faculties of government—police power—is exercised at a local and state level. As we understand the AIDS crisis more clearly, we will see that at the heart of the debate will be a discussion of the legitimate policing functions of local communities and their public health agencies. This is a difficult concept for the younger public health officials who have been raised in a cultural milieu hostile to police work. Most of the new generation officials are considerably more comfortable with their role as educators than their function as enforcers. It is bad enough that the sexual revolution has left us with rampant promiscuity. It may be an even more fatal legacy that we have been left without certain essential character models. The traditional masculine community protectors, the lawman and the soldier, have been so denigrated that we have been left with government a la Phil Donahue when we need the personality of an Elliot Ness. It is little wonder that many public health officials have responded to AIDS by establishing paragonovernmental groups to educate and counsel rather than strengthening their own departments to educate and enforce. There are of course more than cultural rea-

sons for the public health community's discomfort with its policing duty.

□ 2045

Mr. DORNAN of California. Mr. Speaker, will the gentleman pause for just 1 second? Will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to my colleague, the gentleman from California.

Mr. DORNAN of California. This is so good and this is so valuable that the gentleman is putting this into the RECORD, and I am such a child of television, as most of us are in this world today, that I would ask this: Would the gentleman give the doctor's name again at this point? If he were saying this himself on television, reading his own paper, or giving it extemporaneously, they would videograph his name underneath so they could get it in people's minds.

Mr. Speaker, I hate to interrupt, but I would just like to hear his name again.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague.

The name is Dr. David Pence—P-e-n-c-e. This is an address which he gave in Grand Rapids, MI, on November 4, 1987, to 1,100 physicians and community leaders. The event was organized by 12 women of the local medical society's auxiliary.

Mr. DORNAN of California. Press on.

Mr. DANNEMEYER. Mr. Speaker, I thank the gentleman for those comments.

The address continues as follows:

The public health literature of the last decade touted the change role of the discipline in dealing with chronic diseases rather than infections. Isoniazid for TB, penicillin for syphilis and nonjudgmental VD clinics for everything else had supposedly altered the landscape of public health for the 20th century. Well, the landscape has changed again. Hopefully local public health officials will rediscover the basic principles of their discipline and be willing to learn from their colleagues in the criminal justice system so they might carry out their duties with both dispatch and justice.

If the first conceptual error confusing the AIDS debate is a failure to understand the nature of legitimate governmental authority, then the second error has been the unreflective acceptance of the language and ideology of the gay liberation movement. A general observation should first be made that much of the AIDS debate has been cast in a psychological mode rather than a physical or empiric one. This is nowhere more obvious than the labelling of individuals who engage in male homosexual activity as "gay." For people unfamiliar with the subculture, females engaged in homosexual activity have consistently rejected the term "gay" as a description of themselves. In the discussion of AIDS, physicians and public health officials should follow these ladies and also resist this terminology. We should reserve the "gay" label for the ideology not the individual. The physical act of male-male rectal penetration should be described

as such or labelled as sodomy. The medical profession should stop cowering in the face of ideologies and explain in simply physiological terms that the rectum is a muscle which has a clear biological function. This act is a misuse of both organ systems and doctors should be grounded enough in the physical integrity of the human body to assert this simple biological truth. Medicine should be one of the professions that guards against the modern tendency to treat sexuality as a transparency which has no intrinsic meaning or nature. We certainly should resist the notion that once an activity has gained a certain popularity among a certain percentage of the population that this renders the activity normal or healthy. Norms are not simply a statistical notion they also have a meaning which relates structure, functions, and nature.

Physicians do not have to label male homosexual activity as a psychiatric diagnosis to understand it is a fundamental disorder. In the starkest of biological terms it is the phenotype betraying its own genome—a cardinal sin if there ever was one in the evolutionary schema.

If there is a tendency to obfuscate the physical reality which lies behind the gay nomenclature, there is an even greater danger of losing sight of the human person who adopts such an identity. Physicians and government officials must not treat individuals who participate in homosexual acts as foreigners who need to be represented by self appointed ambassadors from gay activist groups. These individuals are our patients, our relatives and our fellow citizens. The great majority of male homosexuals already have an overly compulsive approach to sexual acts; further fortification of the "gay group identity" will only make matters worse.

The naive acceptance of the gay ideology by the medical profession and public health officials is probably best explained by a well meaning attempt not to discriminate. Most individuals who were not involved in the civil rights movement against racism tend to lump the traditional civil rights movement with the later feminist and gay liberation campaigns. This hijacking of the freedom train by middle class careerists and sexual adolescents has virtually destroyed the real civil rights movement. As Karl Marx said, "History the first time is tragedy, the second time it is farce." Once again, we have lost our historical memory of the real meaning and work of the early civil rights workers. We have forgotten that the call of Martin Luther King was not for a world in which morality was separated from politics—quite the contrary. He said, "I dream of a day when men will be judged not by the color of their skin, but the content of their character."

The SPEAKER pro tempore (Mr. CLARKE). The time of the gentleman from California [Mr. DANNEMEYER] has expired.

JUSTICE ON FURLOUGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I am going to talk this evening, as I did last night, about the murderers' furlough program and in particular about the film, "Justice on Furlough," which is

available on videotape, and also about the series of articles done by the Lawrence Eagle-Tribune which won the Pulitzer Prize for reporting. And I want to again urge my colleagues to get a copy of "Justice on Furlough," the videotape which is available and which they can get by calling area code 618, phone 465-1166.

Mr. Speaker, I want to talk to the Members about the issue of the murderers' furlough program because I think it is a very legitimate area to look at in terms of Gov. Michael Dukakis and the values he represents. Possibly the best single article explaining the murderers' furlough program and why it is a legitimate issue is the article written by Richard Cohen in the Washington Post on July 8 entitled "William Horton's Furlough."

I start by putting this article in the RECORD and reading it because I think it explains why "Justice on Furlough" is a very powerful videotape. Richard Cohen wrote, and I quote as follows:

By April 3rd, 1987, William Horton, Jr., was in Maryland. There he broke into the home of Angela and Clifford Barnes, stabbing Clifford Barnes and raping his wife. Horton had been furloughed for the weekend from a Massachusetts prison where he had been serving a murder sentence. Michael Dukakis was his Governor.

George Bush has seized upon Horton's furlough as a campaign issue. He uses it to characterize Dukakis as a dreamy liberal, one who is more concerned with the rights of criminals than their victims. If Bush has his way, no longer will the polls show some people thinking Dukakis more conservative than Bush. The name of Horton will make that of Dukakis mud.

Horton is perfect for the task. In 1974 he was convicted of the murder of Joseph Fournier, a 17-year-old high school student who was working at a gas station in Lawrence, Massachusetts.

Fournier was robbed, stabbed 19 times, and his body was left in a trash can.

The furlough program was not Dukakis' idea. It had been initiated by a previous Governor, a Republican, and extended by the courts to cover first degree murder. The remedy was for the Legislature to amend the law to exclude murderers, but Dukakis opposed that. In fact, until March, when the Legislature tightened the program with Dukakis' acquiescence, he defended it, calling the Horton episode an aberration.

□ 2100

"Furlough programs in general are not and should not be the issue," and I close quote to say last night one of the Dukakis Democrats came out to debate and made the argument about the Federal furlough program, and I wish he were here tonight so that I could point out to him what Richard Cohen of the Washington Post said, and I want to pick it up and repeat.

Furlough programs in general are not—and should not be—the issue. Some 38 states have them, and 33 of them offer weekends to prisoners serving life. Criminologists are in general agreement that such programs are useful. They are said to cut down on recidivism, and most prisoners abide by the

rules. In Massachusetts, a small number of furloughed inmates—428 of 10,835—have escaped.

But, alone among the states, Massachusetts furloughed prisoners serving life-without-parole sentences. Since the state has no death penalty, life without parole is the substitute sentence.

Issues of retribution and deterrence aside, life without parole is intended to ensure that short of an execution the killer can never kill again. That's the contract Massachusetts made with its citizens. When it furloughed Horton, it broke the deal.

Bush has been criticized for lambasting Dukakis over the Horton furlough, but he is right to do so. Typically, though, Bush couples his criticism with a passel of Wyatt Earpsisms, including tub-thumping endorsements of the death penalty. For good reasons, liberals are sickened by such rhetoric and tend to line up on Dukakis' side. But, in this instance, Dukakis has let his side down.

If it is incumbent on liberals not to concede the national defense issue to conservatives, it is equally incumbent on them to be more realistic when it comes to crime. The Horton case is a clear embarrassment. For those of us who oppose the death penalty, the sentence of life without parole is a handy substitute. We can make all the usual arguments against the death penalty—its inhumanity, its failure as a deterrent, its horrifying irrevocability in the event of a mistake—and yet assure justifiably nervous citizens that a killer will remain where he can no longer kill. Those who oppose the death penalty have that obligation.

There is really nothing Dukakis can say to the Barnes family. Their lives have been cruelly scarred. They sold their house to escape its memories. Some prison officials in Massachusetts took a chance—with Horton, certainly, but also with the lives of others. There is no excuse for that. William Horton should not have been on the loose.

Let me go on to say, Dukakis did the same thing for progressive prison programs by defending the Massachusetts furlough plan. His posture raises questions about his judgment. If Bush is accountable for his position, should Dukakis be for his. The Horton episode is a blemish that cannot be dismissed by citing how well Dukakis has handled crime in Massachusetts, which has the lowest homicide rate in the nation.

Let me repeat that because it is fascinating that there is a Dukakis campaign ad which does exactly what Cohen said could not be done.

He said, "The Horton episode is a blemish that cannot be dismissed by citing how well Dukakis has handled crime in Massachusetts."

He goes on to close by saying "The question BUSH poses is a fair one and Dukakis had better answer it. The Barneses, among others, are waiting."

Now Richard Cohen is a liberal, yet his column says clearly it is fair to talk about the Willie Horton case. It is fair to talk about the whole issue of furloughs. It is fair to look at the question of exactly what happened in Massachusetts, and that is the reason I want to refer now to the Lawrence Eagle-Tribune series.

As I said last night in first talking about the importance of the videotape "Justice on Furlough," and the reason I hoped every Member of the House would insist on seeing it, and why I hope the Speaker will agree to show it on the House television system, the Lawrence Eagle-Tribune won the Pulitzer Prize for a long series, 175 articles all told, on the issue of furloughing murderers. They chose the best of those articles to create the framework of understanding for the Pulitzer Prize committee, and I wanted to read excerpts from the best of these articles because I think it gives people a flavor of Michael Dukakis' murderers furlough program. I think it gives them a sense as told by a newspaper in Massachusetts of exactly what it was like, and I think it is worthwhile for every American citizen to understand that they could get a copy of the videotape, "Justice on Furlough." They could get involved in looking at this information, and, as I said earlier, my colleagues, if they will simply call 618-465-1166, they will be able to get a copy of that videotape.

Now let me start with the Lawrence Eagle-Tribune article by Susan Forrest, April 17, 1987, entitled, "Maryland Wants to Jail Killer, Not Send Him Back to Massachusetts."

A top prison official in Maryland says Massachusetts may have to wait years to get convicted murdered William Horton back because that state wants to punish him first.

Maryland does not "pussy-foot around" with first-degree murderers, Samuel Saxton, director of the Department of Corrections in Prince George County, Md., said yesterday.

"He is facing some pretty serious charges down here and I imagine he's going to get a bundle of time, if not something more deadly than that," said Saxton. "If he's found guilty of the crimes committed in Maryland, and my guess is that he will be found guilty, then it could be many years before you see him back in Massachusetts," Saxton said.

Horton, 35, formerly of Acton Street, Lawrence, is a convicted first-degree murderer sentenced to life in prison because he stabbed a Lawrence youth 19 times in 1974. He was approved for furloughs last year and skipped out on a weekend pass June 12.

Police in Prince George County, Md., say that two weeks ago today—while still a fugitive from justice—Horton held a Maryland couple hostage in their home for 12 hours. He allegedly raped the woman several times and tied the man up in the basement and slashed him with a knife.

Horton was caught after a high-speed chase that ended with police bullets in his arm and abdomen.

Saxton said Horton is still in Southern Maryland Hospital under 24-hour armed guard.

"As soon as he is reasonably stable he will be taken from the hospital to the jail and I will lock him up in the medical ward, the high-security medical ward," Saxton said. "He will be escorted by two officers everywhere he goes. He will not ever get away from us."

That article was accompanied by a box, a separate article printed by the Lawrence Eagle-Tribune that day because the Lawrence Eagle-Tribune was trying to understand exactly what was going on in the Massachusetts' prisons, and everyone who has heard Michael Dukakis claim that there would be no secrets in a Dukakis administration might look at this report from the Lawrence Eagle-Tribune of what was happening with the Dukakis administration. It is entitled "Massachusetts Prison Chief 'Will Never Be Available.'"

Since Wednesday, the Eagle-Tribune has repeatedly phoned Massachusetts Correction Commissioner Michael Fair. His secretary and public affairs officers always say that he is at meetings or unavailable.

Last night the fifth and final call of the day was placed:

"He is not available," Correction Department spokesman Mary McGowen said.

"Do you know when he will be available?" reporter Susan Forrest asked.

"No I don't."

"Will he be available tomorrow?"

"Nope."

"The day after tomorrow?"

"No."

"Next week."

"No."

"Will he ever be available for me?"

"No, he will never be available."

"Can you answer how many other murderers furloughed by your department have gone on to commit violent crimes while out on passes like Horton?"

"I don't know."

"Could you get me that information?"

"No."

"Could I get that information from someone else in the department?"

"No, we have a strict media-access policy. I don't have that information and the media can only deal with this office."

Now notice what that story says, that Michael Dukakis' administration, faced with the murder of citizens by murderers, the rape of citizens, the torture of citizens, was willing not only to let murderers out on the street on weekends, it was willing to systematically avoid telling the public exactly what was going on. It was willing to stonewall, to use a term out of the Nixon years, it was willing to refuse to talk to the reporter, and, in fact, as you will see as I go through the Lawrence Eagle-Tribune's report, in the long run it was actually the position that only by filing a lawsuit were they in a position to get the information they wanted, that literally they had to go through all this work, they had to engage in all of this effort, just in order to find the right information.

On May 7, the Lawrence Eagle-Tribune wrote an article which again showed what a secret procriminal position Michael Dukakis had and how little the people of Massachusetts, including the responsible officials, were informed by Michael Dukakis about what he was doing on behalf of convicted murderers. The article is entitled, "Prosecutor Assured Witnesses,

Killer Jailed for Good," by Susan Forrest, and I quote:

The man who prosecuted William Horton Jr. said he believed the cold-blooded killer was behind bars for good when the guilty verdict was read.

"I had given these assurances to reluctant witnesses when they walked out of the courtroom in 1975," said Lawrence attorney Michael Stella Jr., a former Essex County assistant district attorney.

"It turned my stomach when I read about what happened in Maryland, and I'm upset because I was not told as a prosecutor about this furlough program for first-degree murderers," Stella said. "I had no idea Horton was approved for furloughs."

The First-Degree Lifer Law went into effect in 1972, two years before Joseph Fournier, 17, was stabbed 19 times during an armed robbery at the Marston Street Mobil Station in Lawrence.

"Horton was not the typical murder defendant I came across," said Stella, who prosecuted 18 murder cases as an assistant district attorney. "I knew if he was ever let out, someone else would be a victim. Maybe if the furlough board had contacted me I could have told them these same things."

When asked how he felt on May 22, 1975, when a Superior Court declared Horton, Alvin Wideman, and Roosevelt Pickett guilty of Fournier's murder, Stella replied, "If there was ever a case to argue for the death penalty in Massachusetts, the Horton-Wideman-Pickett situation would have been it."

All three men were sentenced to life without parole.

Mary McGowen, a spokesman for the Massachusetts Department of Correction, cited a privacy law when asked whether Wideman and Pickett have been authorized for furloughs. She would only confirm that neither man is at the state prison in Concord where Horton was held before he skipped out on a weekend pass last June.

Stella said it was never officially determined at the trial which of the three men actually stabbed the Fournier youth. There were no eyewitnesses, he said, and Horton and Wideman blamed one another during the initial questioning by former Lawrence Police Chief Patrick Schiavone, then a sergeant, and the late Capt. Stephen Sciuto.

"Who of the three actually did the stabbing was not an issue the jurors were concerned with because the case was based on the joint venture theory," Stella said. "But from the beginning of the investigation, Capt. Sciuto, myself, Pat Schiavone and Assistant D.A. Robert O'Sullivan were of the opinion that Pickett was the driver of the car, Horton and Wideman went in to rob the gas station, Horton had the knife, and it was Horton who stabbed Fournier 19 times."

Schiavone, who owns Executive Detective Agency in Lawrence, echoed Stella's theory about Horton's role in the murder.

"Horton would have you believe that the other two stabbed the Fournier boy and he stayed in the car, but we all know he did it," Schiavone said. "Horton was the one who was the coldest throughout the trial. Pickett and Wideman showed remorse almost immediately. Horton showed no remorse at all, no sorrow."

"I don't know who in holy hell allowed this guy out of prison," he added. "That was a crime in itself."

Stella said he believes in the prison furlough program, but not for first-degree murderers. He said officials in the Correction

Department who make the final decisions should be held accountable.

"A statement saying, 'We made a mistake,' 'We blew it,' or 'We're sorry,' is simply not good enough," Stella said. "I don't mean to sound like a radical, but if a murderer doesn't come back from a weekend pass, the people on the furlough board should finish out his sentence for the crimes he committed on the outside."

"I think that the woman Horton allegedly raped in Maryland has a good lawsuit against the Massachusetts Correction Department," he said.

Maryland police said that on April 3-4, Horton broke into the home of a young couple, terrorized them for 12 hours, raped the woman at gunpoint, slashed her boyfriend after tying him up, rammed a police cruiser and threatened to shoot at the four officers chasing him.

He was finally brought down by two police bullets in his arm and abdomen.

Horton is now in the medical ward of Prince George County, Md., state prison, charged with a 44-count indictment including assault with intent to murder, first-degree rape, and assault and battery. He is scheduled to be arraigned May 15.

That article in the May 7, 1987, *Lawrence Eagle-Tribune* gives the sense of the gap between Michael Dukakis, and the liberal values he represents and the officials in the State of Massachusetts. I find it fascinating that in the case of the prosecutor he literally did not know that under Dukakis his State government was in fact releasing murderers on a regular basis, letting them out on the weekends to see whether or not they would turn out to be worthy of having their sentence commuted.

□ 2115

That is the kind of setting in which the Dukakis administration had a secret furlough program. If you think I am making that up, I would just point out that it is the *Lawrence Eagle-Tribune* itself which said, and I quote from their December 27, 1987, articles, entitled "Soon Killers Will Stay Jailed," where they said:

The revelation that the state was running what amounted to a secret program to qualify killers for commutation by giving them weekend passes from jail. The idea was to let them show they could be trusted in society, then to commute their sentences.

That is the *Lawrence-Eagle Tribune* in one of its Pulitzer Prize winning reports.

As I mentioned earlier as I go through reading these key articles from the *Lawrence Eagle-Tribune*, those Members who want to get a copy of the videotape, "Justice on Furlough" in order to be able to see visually the various murder victims families talk about this case, to see the Maryland Judge talk about this case, to hear people who in their own words explain what it was like and what was involved, folks who want to see that video, any Member of the Congress who wants to see that video, could

simply call area code (618) 465-1166 and get a copy.

Let me go on now to the *Lawrence Eagle-Tribune's* Pulitzer Prize winning article from May 27, entitled "No One Recalls Freeing Killer," by Susan Forrest:

State prison officials who recommended that William Horton Jr. be furloughed in 1986 cannot recall specific details about the case.

A preliminary investigation just completed by the Executive Office of Human Services, which oversees the Massachusetts Department of Correction, found that:

The Deputy Commissioner of the Department of Correction, whose signature is on Horton's furlough release, does not remember approving it.

There are no minutes to show what took place during Horton's many furlough hearings.

A prison caseworker, unidentified in the probe report, was "very supportive" of his furlough application.

Now, notice, compared to the Iran/Contra hearings, compared to Michael Dukakis promise that there will be no secrets, according to the *Lawrence Eagle-Tribune*, the deputy commissioner cannot remember ever signing the release for William Horton. There are no minutes that show what happened, and the prison caseworker is not identified who filled out a very supportive report on his furlough; so Dukakis managed to cover up totally who in fact had released William Horton and who had in effect terrorized or allowed the terrorization of the lives of the couple from Maryland. Let me go on quoting from the *Lawrence Eagle-Tribune*:

Still, the report finds that Horton's furloughs were conducted properly under the law. It says "established procedures" were followed.

The report did criticize the Correction Department for a lack of detail in documents filed by prison caseworkers on Horton's evaluation for furloughs and it found fault with the absence of other documentation, such as minutes of his furlough hearing.

Among the lack of details:

A three-member panel, consisting of Horton's assigned caseworker, a correctional officer and a correctional counselor at Concord, voted to approve Horton for furloughs. When interviewed for the state report, none could recall any specific details about the hearing.

Four of the five officials at the central office of the Correction Department, designated by the commissioner to serve as panel members for all furlough candidates, could not "specifically recall sitting on the panel that considered the request for the furlough from which this inmate escaped."

"Only one individual could recall sitting on a panel which considered a furlough request by the inmate," the report continued. "Others indicated a strong likelihood that they served on a panel which considered the inmate's application, but none could specifically recall when."

The Deputy Commissioner, who frequently serves as acting commissioner and who approved the furlough from which Horton escaped, "did not specifically recall approving the furlough under investigation," according to the report that was compiled by a

special investigative unit at the Department of Human Services. Although several officials were involved in Horton's furlough process, according to the report, no names were released.

A caseworker made an oral presentation to the three-member prison panel about Horton but "there were no minutes or record of the panel's discussions, other than the vote," the report said. "At the central office level, there was documentation to verify that the panel met and voted on the inmate's request . . . but there was no document reflecting the central office caseworker's assessment or the basis of the panel's recommendation."

"Such an absence of central office documentation has the potential to reduce the scrutiny which each individual (furlough) request receives," the report further stated.

The investigation into Horton's furloughs was ordered last month by Secretary of Human Services Philip Johnston after the convicted killer failed to return from a weekend pass in June and then, according to Maryland police, went on a violent spree there that included the rape of a young woman.

The report says that the official police version of the brutal murder that Horton committed in 1974 was submitted as part of his furlough process.

Lawrence police spokesmen said yesterday they were never asked by prison officials to give an official version of the murder.

The report also said that a background check of whether Horton had a drug and/or alcohol problem was used as part of the furlough process. Two weeks ago, first-degree murderers from state prison in Norfolk told the *Eagle-Tribune* that Horton was a heroin and cocaine addict in prison.

"The panel did not find anything unusual not to give Horton a furlough," Human Services spokesman Madeline Hardart said. "That implies there was not a problem with substance abuse."

The prison superintendent at Concord, where Horton was before he fled to Maryland, told state investigators that Horton was "a good furlough risk," according to the report. The superintendent also said that Horton's unidentified caseworker "did not recall any unusual problem's about the inmate or the application that would have caused him to look more closely at the inmate's institutional file or to deny the request."

The state investigation was headed by Carmen Russo, chief investigator for the Human Services Department. He wrote that Horton's furloughs were granted properly and that "elaborate" and established procedures were followed.

At the same time, he noted, the investigation uncovered several weaknesses that need to be addressed—absence of sufficient detail in Horton's prison evaluation sheets, absence of separate documentation at the Correction Department's central office of review and assessment, and insufficient accountability of employees who reviewed Horton's furlough application.

Now, notice, here is the Dukakis administration, Mike Dukakis with a report which is a total coverup, in which nobody is accountable and, in fact, as you will see later as I put it to the *Record* the *Lawrence Eagle-Tribune* article, it turns out that they were misleading. It turns out that Horton was a terrible risk. It turns out that he

had severe problems while in prison. It turns out that he was a cocaine and heroin abuser and it turns out that any reasonable person, anybody who was not committed to such a leftwing view of the world as Michael Dukakis would never have allowed Willie Horton on the street and in fact, Cliff and Angela Barnes would never have had a day of being terrorized.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from California.

Mr. DORNAN of California. We have been discussing on the floor for several weeks now, and maybe now is the opportunity because the people that read the RECORD of our proceedings here or sometimes even magically within the sound of our voice might respond and tell us something that should be a very simple fact to ascertain; but the Library of Congress seems confused on how to go about it at this moment.

Mr. Horton and all the others that were furloughed, they certainly were not turned loose for the weekend or their 72-hour pass or whatever it is, their week's pass, with no money in their pockets. No prison in this Nation takes a man who has served 5, 10, 20, or 30 years and turns him loose on the street with no money. You have to have money for some clothing that is supplied and they give you money for an apartment. They give you a parole officer and they give you certainly car fare to get from the prison gates to the downtown area, wherever you are allowed to take up residence under your particular patrol.

What do they give these furloughed people for money? Do they have enough money to rent a car? Do they have enough money to eat three square meals a day for the number of days they are out? Do they have taxi fare, bus fare? Do they dare call it "mad money"?

This is going to be interesting when someone responds to the gentleman's special order and tells us, somebody that works in the prison system that may have participated in this furlough program that thought it was inherently stupid, if not evil, from day one, somebody is going to tell us how much money these people are given. Then it is a simple statement of fact that that money is taxpayer money from the State of Massachusetts.

So whatever Horton did, whether he had a stolen car, a rental car, took a cab or took the Metro when he left the area of the beating and rape scene of the couple that he abused, maybe he still had a few dollars of "mad money" left. Maybe he was eventually going to turn himself in like an absent without leave, an AWOL military person.

The more you look at this, the more phenomenal it is and the defense by

some Members of the other body, U.S. Senators, and by some people in Massachusetts trying to say that other States have this exact same type furlough type program, is such a phony and transparent thing to say that the decompression type of furloughs used in the 20th or 19th year of a man's 20-year sentence to get readjusted to civilian life, which we know decompresses him back into society and it tends to work, that is absolutely akin to furloughing somebody in the first, third, fourth, or fifth year of a sentence, when they are as unstable as this Willie Horton was, as the gentleman just read, and the people in the prison knew this man was a drug user and a bad risk. It is incredible. Let us hope the details are still forthcoming.

Mr. GINGRICH. If I might build on that for just a second, the gentleman has raised a point that we talked about on the floor once before that I think is intriguing and one which frankly I do not have the answer to right now and which I would hope possibly one of the Members of the Massachusetts delegation might get for us in the next few days, because after all it is their State that Governor Dukakis has been Governor of and maybe one of the Massachusetts Representatives could tell us.

I noticed, for example, and I am trying to find the exact citation in Bidinotto's article, "Getting Away With Murder," from the July Reader's Digest. There is a point in here where he talks about a killer. Let me read you this for a second, because it goes right back to the gentleman's point. He says:

Families of other victims told their stories, including Vivianne Ruggiero, whose 27-year-old husband, John, a police officer, had been shot in the head five times without provocation. John left his widow with two small children. Meanwhile, Vivianne testified, John's convicted killer, Daniel Ferreira, sentenced to life without parole, had married while on one of 33 furloughs. "Isn't he lucky that he can go on with his life?" Vivianne said bitterly. "I wish I could have a furlough—one weekend, or one hour, when my husband's death is not on my mind."

I mention that because in the context of what the gentleman has said, it is fascinating to ask the question, here is a killer sentenced to life without parole who Michael Dukakis furloughed for 33 furloughs, who met somebody and married them while out on furlough.

You have to raise the question, who was paying for the dates? Does it actually turn out that under Michael Dukakis the taxpayers of Massachusetts were paying for a cop killer's convicted murderer to go on dates to get married, that in effect this poor woman, the widow of the policeman, did her tax dollars go in order to pay for the marriage license of this convicted killer while he was out on his weekend furlough?

In this particular case, according to Bidinotto's article, "Getting Away With Murder," from the July Reader's Digest, in this particular case this killer had been out 33 times on furlough.

Now, I mentioned earlier the videotape, "Justice on Furlough", which I am encouraging all my colleagues to get. I mentioned that you could get it by calling area code (618) 465-1166.

To give you an idea why I think all our colleagues should see this videotape, I want to put a few quotes in the RECORD. Governor Dukakis in 1976 at the time of his veto of a bill restricting furloughs said:

This bill would have cut the heart out of efforts at inmate rehabilitation.

That is included in "Justice on Furlough."

The film makes the point that William Horton is only 1 of 428 inmates who have escaped while on Massachusetts furlough.

The film quotes Lt. St. Germain of the Lawrence, MA, Police Department as saying:

The furlough program? I think it is a terrible thing, because the families of crime victims are now reliving the hell they went through when their brother or sister or son or daughter had been murdered.

The film itself, "Justice on Furlough," says:

Before raping Angie Barnes twice, a laughing Horton pistol-whipped and slashed Cliff Barnes 22 times with a knife.

One of the most vivid scenes in the videotape, "Justice on Furlough," is when Judge Vincent Femia, the judge in Maryland who tried the case involving Willie Horton and Angie and Cliff Barnes, Judge Femia said:

As the facts of Horton's kidnapping and rape of the Barnes began to unfold, I found myself totally revolted by what was going on in this case. I was quite frankly convinced that I was listening to some of the worst facts that I have ever heard involving sadistic torture, sexual violation of the worst order, not for sexual gratification, but to impose his will. Worse than that, worse than that in my opinion, is that one would visit sexual violation on a woman because of its effect on others who are forced to sit and witness or listen to it, and that is what was going on in this case.

That is from Judge Vincent Femia, who was the judge in the Horton case.

□ 2130

Angie Barnes herself appears in the film, "Justice on Furlough" in some very moving scenes. She said:

I have been attacked by someone who they think, "Oh, let's see if he can fit into society." It's like Russian roulette with him exactly. Russian roulette with him; we happen to be the ones who are shot with the bullet.

I think one of the reasons I feel so strongly that every American and certainly every Member of the Congress should see the videotape "Justice on

Furlough" is that when one sees the victims, when one sees them, it is not just reading them in the articles. It is not just a sense of the newspapers. It is not just the Reader's Digest. When one sees them on this videotape one realizes how real it was, how passionate it is, how intensely they were hurt, for example, and Angie Barnes went on to say:

We had no idea, first of all, that they were letting out first-degree convicted murderers, but that is the way the law is. I think we just need to take an active part in it to make sure these criminals pay for what they do and so we can have some really safe streets. Part of our country's problem is that you get away with murder.

Judge Vincent Femia, in talking about Horton in the sentencing report, said,

This man should never draw a breath of free air again. He is devoid of conscience and should die in prison.

Notice that Judge Femia in Maryland is talking about the man that Michael Dukakis released.

Let me show you the difference in the values of everybody except the Dukakis Democrats. Dukakis had released Willie Horton 10 times on furloughs. The 10th time he ran away. Judge Femia said:

This man should never draw a breath of free air again. He is devoid of conscience and should die in prison.

One of the virtues of the videotape "Justice on Furlough" is it allows one to measure for oneself what they think of Judge Femia. One gets a sense of the kind of solid, upstanding, thoughtful man that he is.

William Horton, after he was sentenced by Judge Femia, had the gall to say the following, and I think that anybody who wants to know about Michael Dukakis, the fact that Willie Horton would say the following should tell everyone everything they need to know about Michael Dukakis. He said, "Yes, but would you consider letting the sentences run after I go back to Massachusetts and finish my sentence?" Judge Femia drove the point home when he said:

I am not letting you go back to Massachusetts for fear that you could end up on furlough again. If you have anybody back there in Massachusetts, tell them don't wait up for you. In fact, don't leave the light on. You're coming back.

One has to see Judge Femia saying that in "Justice on Furlough" to get the full intensity of his passion, his commitment on this issue, because what he is saying is that Michael Dukakis and the people who share his left-wing values might well have let Willie Horton back out on the street again given the way their furlough program worked.

Maureen Donovan, a Massachusetts citizen, who said:

I thought, holy cow, that could have been my family, that could have been anyone in this area. I mean, there is no reason to

attack the Barneses outside of he was like a vicious animal, and the State let someone like that out into my community, into my neighborhood.

Dennis Humphrey, deputy corrections commissioner for Massachusetts, and listen to this, this is again a Dukakis appointee representing Dukakis' values; he said:

We are operating in Massachusetts under the assumption that everyone will get out of custody and will eventually make parole. People who are originally sentenced to first-degree life do not complete that. They do not die in prison.

Notice the deputy corrections commissioner under Michael Dukakis was explicitly, explicitly contradicting what Richard Cohen wrote in the Washington Post in his argument that those, and I quote, who oppose the death penalty have that obligation. What is the obligation Richard Cohen is talking about? They are arguing for those of us who oppose the death penalty the sentence of life without parole is a handy substitute. Why? "We can assure justifiably nervous citizens that a killer will remain where he can no longer kill." That is Richard Cohen's version of a rational, calm, reasonable liberalism. But listen to Dukakis' appointee. He says, "People who are originally sentenced to first-degree life do not complete that. They do not die in prison." Again, to give the Members a difference in values between leftwingers like Dukakis, let me carry Members back to what Judge Femia said, all of this being on the videotape, "Justice on Furlough," where Judge Femia said, "This man should never draw a breath of free air again. He is devoid of conscience and should die in prison."

So the Members can see clearly the contrast between all of the everyday Americans who have common sense who understand that Willie Horton is dangerous and the Dukakis appointees and the Dukakis system that specifically was committed to finding a way to get first-degree murderers back out on the street.

State Representative Robert Cerasoli, a Democrat from Massachusetts, at a hearing on the furlough system, said, "I would like to apologize for being part of a system that allows this kind of thing to happen." However, Governor Dukakis has expressed his values. Mary Gravel, one of the women who had organized the petition effort protesting the furlough program, says that when she handed Governor Dukakis the petitions asking him to keep the prisoners in prison all weekend, he said, "Oh yes, I have signatures from prisoners, too."

Anyone who thinks about moral equivalence, here is Governor Dukakis saying that signatures from murderers are just as valuable and just as valid and just as legitimate as signatures from the families of the victims, and if

one needs any better example of how far to the left Dukakis is and how weird his attitude toward crime is, just let me repeat what Mary Gravel claims Governor Dukakis said to her when she handed him the petitions protesting the furlough program; Governor Dukakis said, "Oh, yes, I have signatures from prisoners, too."

But we can go further. Governor Dukakis, in response to a suggestion that he meet with the Barnes couple, said, "I don't see any particular value in meeting with people. I am satisfied we have the kind of furlough policy we should have." In other words, here is a couple, the husband had been tortured, slashed 22 times by Willie Horton, the wife had been raped twice, terrified, blindfolded, threatened with their life, and they only lived, I think, because they escaped. He did not walk off and leave them. They escaped. In that setting, they come to Boston to say to Governor Dukakis, "Look what your furlough program for murderers is doing to innocent people." What does he say? This is Governor Dukakis who promises an open administration, he promises no secrets, he promises he will be candid with the American people, and here is what he says, Governor Dukakis, "I don't see any particular value in meeting with people. I am satisfied we have the kind of furlough policy we should have." We are talking about in the last year. We are not talking about 20 years ago. This is within the last year, knowing people like Willie Horton were raping and torturing people, and Governor Dukakis refused to meet with the rape victim, and Governor Dukakis insisted the program was working.

State Representative Joseph Hermann, a Democrat from Massachusetts, said, "The Governor doesn't understand that we do have survivors of a murder, mothers, fathers, sisters, brothers, whatever. If it happens once, as in the Horton case, it is too much." That is a Democrat from Massachusetts talking about Dukakis.

What did Dukakis say in summary? According to "Justice on Furlough" he said, "Look, we are running a very tough, strong, well-defined furlough program in this State which by and large has been very successful."

There are two groups who disagree with Governor Dukakis, the families of victims who do not think it is a successful program when they see the murderer of a member of their family out on a weekend furlough, and Cliff and Angie Barnes, who had been terrified, tortured, and raped by one of Governor Dukakis' murderers, did not think they had been part of a successful program.

I think the most poignant, the most moving moment in "Justice on Furlough" is a scene where the mother of one of the murder victims talks about

the fact that her older daughter had been killed, that she went to a restaurant one night with her younger daughter. They were sitting there having dinner, and she looked across the restaurant and there was the man who had murdered her older daughter. He was out on a weekend furlough under Governor Dukakis' system. Can you imagine the horror of that mother looking across the room at the man who had brutally killed her daughter realizing that he was out on a Friday night having a good time while her daughter was dead? Can you imagine the fear she felt for her younger daughter wondering if this man might then kill the younger daughter? Can you imagine the sense, particularly in light of the Willie Horton case where he clearly went berserk, was violent, ruthless and savage, the sense of problems, the sense of fear, the sense of powerlessness that Governor Dukakis' program created? That is why when we see it on videotape and see the human emotions involved, we see the fear and the pain on the part of the families. That is why I think that "Justice on Furlough" is so useful, and that is why I hope that my colleagues will call area code 618-465-1166 and order a copy of that videotape so they can see what this has done to real people.

Let me go back to the Lawrence Eagle-Tribune Pulitzer Prize winning series on June 7, 1987 which reported "How One Family Stopped Furloughs for Killers," by Susan Forrest, and I quote:

UPPER MARLBORO, MD.—Stephanie Roper was a soon-to-be college graduate when she was kidnapped by two men, raped, mutilated and then burned alive.

It was April 1982.

Stephanie's brutal murder in Prince Georges County—the same county where police say furloughed killer William Horton, Jr. of Lawrence terrorized a young couple two months ago—sent shock waves through the state of Maryland.

The men responsible said in court that they tortured and killed Stephanie because they were drunk and stoned.

Both killers were sentenced to death, but the death penalty in Maryland has not been used since 1961. Eighteen inmates are on death row now.

An appeals court—citing the drug and alcohol defense—reduced the sentences of Jack Ronald Jones, 26, and Gary Beatty, 17, to two consecutive life terms without the possibility of parole.

But in Maryland in 1982, life without parole really meant 11 years before parole eligibility.

From that moment on it was war for Vincent and Roberta Roper, who said they became outraged and disgusted with the lies and leniency of the criminal justice system in their state.

"Basically we had a death penalty which didn't mean death and a life sentence which didn't mean life," Mrs. Roper said Friday. "People from all over the state called us after the trial was all over to say that when the system failed Stephanie, it failed them as well."

Refusing to allow Stephanie's death to be in vain, the Ropers formed a grassroots organization in 1983 to fight for the rights of victims of violent crimes.

And they named the organization after their 22-year-old daughter, who was the oldest of five children.

"We started it certainly because of what happened to our daughter, but now it has come to symbolize every victim of a violent crime in Maryland," Mrs. Roper said.

Today the Stephanie Roper Committee—with 11,000 members—is one of the most successful of the 5,000 or so grassroots organizations in the United States that deal with victims' rights.

"What we have done can never bring Stephanie back to us, but it does in some way make us feel that our loss was not in vain," Mrs. Roper said. "Our goal is to spare future victims and their families from the criminal justice system."

"You see, what happens is that the criminal victimizes you, and then all too often the criminal justice system inflicts the second injury," she said. "Our organization strives to balance the system so it is truly just for victims."

Since 1983, the Stephanie Roper Committee has been instrumental in changing 12 Maryland laws that deal with criminals and victims.

Here are just a few:

Life without parole: Parole eligibility for murderers increased from 11 to 25 years, which means Stephanie's killers will be eligible for parole in the year 2032.

Drugs and alcohol defenses: The defenses used by Stephanie's murderers are no longer admissible in murder trials.

Truth in sentencing: In the past, judges instructed juries that a life sentence meant a person will spend the rest of his natural life in prison "which was fiction," Mrs. Roper said. Now judges are required to instruct juries that a life sentence does not necessarily mean life and could mean parole in 25 years.

Victim impact statement: Written and oral statements from victims of violent crimes and families of murder victims are now part of the court sentencing and parole processes.

Victims' addresses: Victims are no longer required to state their addresses and phone numbers before testifying in court.

Tougher eligibility requirements: Requirements for admission to an innovative prison in Jessup, Md., called the Patuxent Institution, have been made tougher. The program focuses on rehabilitation, weekend furloughs and the early parole of all inmates who successfully go through the program, including murderers. But on July 1, a law goes into effect that says murders are no longer eligible for the program.

Unlike Massachusetts, which currently has a statewide furlough program for first-degree murderers, Maryland's cold-blooded killers had only the Patuxent Institution—and now that is gone, due to the perseverance of the Stephanie Roper Committee.

A bill now pending in the Massachusetts Legislature, co-sponsored by Reps. Larry Giordano, D-Methuen, and Joseph Hermann, D-North Andover, would abolish the state's furlough program for first-degree murderers, which is designed to help inmates prepare for parole.

It was filed after William Horton, a first-degree murderer sentenced to life without parole because he stabbed a Lawrence youth 19 times, was furloughed in 1986, failed to return from a weekend pass and then ended

up in Maryland where police say he raped a woman at gunpoint and stabbed her boyfriend.

□ 2145

Two things to notice. In Maryland, where the parents of Stephanie Roper went all out, they changed the law. In Massachusetts, when legislators tried to change the law to stop first degree murderers like Willie Horton from getting out, Gov. Michael Dukakis opposed the changes. He did not want the law changed. He did not think it was necessary to change the law. He did not think there was a real problem.

That is one of the major differences between Governor Dukakis, who is clearly the most left wing man ever to be nominated for President, and normal, everyday politicians who listen to the people, who understand when it is time to change.

One of the reasons, frankly, that it was hard for us to understand just how bad Dukakis is is that the Dukakis administration systematically practiced secrecy. The Dukakis administration basically was consistent in not saying what was happening, in not talking to the people of the State, in not releasing information.

There is a law in Massachusetts, to show how strange Dukakis is and how strange Massachusetts was under his leadership, there was a law called the Criminal Offenders Records Information Act which prevents criminals' records from being made available. As a result, it was very, very difficult, virtually impossible to find out what was happening.

But on July 21, 1987, the Lawrence Eagle-Tribune was able to report on a landmark victory which opened up the criminal records. Let me read what the Lawrence Eagle-Tribune said in an article by Judy Wakefield entitled: "Killer's Records To Be Opened; Landmark Ruling Lifts Horton Secrecy." They said:

A landmark ruling has cleared the way for the Eagle-Tribune to win access to the prison records of furloughed killer William Horton, Jr.

For the first time in its history, the state's Security and Privacy Council approved a newspaper's request for access to someone's prison records.

How much access the Eagle-Tribune will get will be decided Thursday when the council meets jointly with the state's Criminal History Systems Board.

Eagle-Tribune attorney Peter Caruso is confident that the board will go along with the council's recommendations. He said Horton's prison records may be available as early as Friday.

"This is a landmark case. Never before has certification been given to a newspaper," Caruso said. "However, we have to remember we're only halfway home, but it looks good. In past meetings the board looked to the council for guidance on certification."

"Once you have certification from the council it is virtually unheard of that access

will not be granted. Unless something extraordinary happens between now and Thursday, the Eagle-Tribune will get access," he said.

The 5-0 vote came after a 2½-hour debate by the council over how much privacy Horton is entitled to and what effect opening the records might have on the state's furlough system.

Council attorney Ruth Moore opposed releasing the records, arguing it "could cripple the furlough system" and charging that the council was bowing to public pressure.

In the end, the public's right to know outweighed Horton's privacy, the council determined.

Let me repeat that paragraph because it tells us so much about Dukakis and the whole willingness to avoid paying attention to the public.

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In the end, the public's right to know outweighed Horton's privacy, the council determined.

Even the Department of Correction, which had refused to release any information on Horton's furlough because of CORI—the Criminal Offenders Record Information Act—supported releasing information about Horton.

CORI protects the privacy of people with criminal records, and the Department of Correction has repeatedly cited CORI as the reason for not discussing the Horton case.

"In my personal opinion, Willy Horton breached any trust we had in him when he escaped," said Department of Correction Associate Commissioner of Programs and Treatment Dennis Humphrey, who had Horton's file with him.

"I have no interest in protecting Willy Horton. The only thing that I'm concerned about is that his co-defendants and his family are named in the files. What I need is direction and clarification on what I can release."

Humphrey said Horton's prison records are "six file folders thick."

Let me close the quote for a second and make a comment. Notice under Dukakis they were releasing a convicted murderer whose prison record is 6 file folders thick. If anyone needs any evidence of how strange Dukakis' attitudes on criminal justice are, imagine a Governor who would defend, fight for, protect, and support a program which had released a murderer for 10 furloughs, who had a prison record 6 file folders thick.

The Lawrence Eagle-Tribune goes on to say:

... and include, among other things, medical information, family references and correspondence with the Department of Correction.

Horton 36, was convicted of first-degree murder in 1975 and sentenced to life without parole. He was furloughed from Concord state prison 10 times. On his 10th weekend pass in June 1986, he failed to return. He ended up in Maryland, where police say he raped a woman and stabbed her boyfriend. He goes on trial Aug. 10.

Attorney Caruso said he was shocked at the Department of Correction's sudden offering of Horton's records.

The Department of Correction was not the only group to change an earlier position on the Horton case.

Last month, the Security and Privacy Council rejected the Eagle-Tribune's request to see Horton's prison records by a 4-1 vote.

Since then, interest in the case has picked up on many fronts.

The Boston Globe and the Joint Committee on Human Services and Elder Affairs applied for access to Horton's prison records. Both were granted access yesterday along with The Eagle-Tribune.

"When William Horton violates his furlough he thrust himself into the limelight and became a subject matter of legal public concern. Just because he's an inmate, it doesn't insulate him from public pressure," said Globe attorney Joanne D'Alcomio of Bingham, Dana and Gould, Boston.

Let me stop again for a second to make this point about Dukakis' Massachusetts. Notice the quote: "Just because he is an inmate, it doesn't insulate him from public pressure."

I would suggest that is about as strange as you can get. Maybe it is because I am a Georgian, but that is pretty weird.

Let me finish for one second:

Human services spokeswoman Emily Sherwood said the joint committee is considering making changes in the furlough program as a result of the Horton case.

The committee needs to examine Horton's files in order to do so, she said.

Also, the Legislature is working on two bills to tighten up the state's furlough system. The House Post Audit Committee has launched its own investigation into the furlough program and thousands have signed petitions demanding a ban on furloughs for killers.

"In a case like this, under these circumstances, the public has a right to have information to make a judgment on whether the system has to be changed," said council member Peter Agnes, Jr.

Agnes, assistant secretary in the Executive Office of Public Safety, was one of two council members who did not attend the earlier meeting with the Eagle-Tribune.

Andrew Klein, chief probation officer for Quincy District Court and one of the strongest supporters of the Eagle-Tribune's request for access to Horton's files at yesterday's meeting, did not attend the earlier meeting.

"CORI is a right for those outside of the system, those whose probation is over. Those who are released avoid being branded with a scarlet letter. Those inside don't have the same rights as those outside. I have guys walking around with electronic monitors attached to their legs. Their right to privacy is absurd. There is no right to privacy for a guy on furlough or in an institution," Klein said.

William Plante, executive director of the Massachusetts Newspaper Publisher Association, said the council's vote was "exemplary and hopeful."

Notice it is clear that Andrew Klein, the chief probation officer for Quincy District, is not a typical Dukakis supporter because he thought "those inside don't have the same rights as those outside." I am sure Michael Dukakis would have disagreed strongly with that attitude.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to my friend from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding because I just wanted to make a point, that while he is concentrating on the Willie Horton case, because I think it dramatizes more than any others what the nature of the program there is, the statistical reports on the furlough programs give us some hint as to how widespread this program is. It is important, I think, for Americans to focus on just what was happening in Massachusetts.

Between 1983 and 1986 in Governor Dukakis' Massachusetts, first degree murderers in that State received 1,905 furloughs, while second degree murderers received 4,459 free passes from jail in a 3-year period. That means that if we add it up, over 6,000 free passes from jail were given to first and second degree murderers in the 3-year period between 1983 and 1986 by the Dukakis administration.

In 1986 alone, just in one year, Governor Dukakis gave 1,229 furloughs to those convicted of sex crimes, and 220 furloughs to those with a history of being charged with 6 or more sex offenses.

Mr. GINGRICH. What was that last number again?

Mr. WALKER. In 1986, just in 1986, 220 furloughs were given to people who had a history of 6 or more sex offenses.

Mr. GINGRICH. I know the gentleman is going to give more statistics, but let me give an example of how different Georgia is. There is an article by Jeff Dickerson entitled, "Prison Furloughs Force a Closer Look at Dukakis." The Dukakis Democrats have been coming to the floor saying, "Oh, there are programs like this all over the country." Here is the Georgia program, according to Jeff Dickerson:

Reacting to claims Monday that he was soft on crime, Dukakis said, "I know of no responsible corrections program in the country, with very few exceptions, that does not include furloughs."

Georgia's program includes furloughs, but not for murderers. Not even voluntary-manslaughter convicts can get a holiday pass in this state. Neither can a sex offender. The only Georgia prisoners eligible for furlough are "trustees" who are neither murderers nor sex offenders, have served a third of their time, have been trustees for two months, and haven't been in trouble in six months. The requirements leave only about 100 Georgia's 15,300 prisoners eligible for furloughs.

Asked in March if he still was in favor of furloughs for murderers, Dukakis snapped, "That's irrelevant. The fact of the matter is that the people of this Commonwealth and the Legislature aren't."

Will the furlough issue hurt Michael Dukakis? It ought to.

The SPEAKER pro tempore (Mr. CLARKE). The time of the gentleman from Georgia [Mr. GINGRICH] has expired.

THOUGHTS DURING THE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, the hour draws very late, so I am going to modify what I had hoped would be a special order on my visit to six Nazi extermination camps in Poland within the last few weeks, Treblinka, Sobibor, Majdanek, Belzec, Auschwitz, the satellite camp 3 kilometers from Auschwitz called Birkenau, or Brzezinka in Polish, which alone accounted for maybe 2½ to 3 million dead people, murdered people by the Nazis, and then Chelmno. But there is not time to do the subject justice. So what I thought I would do is just take advantage of this very precious time that we are given at the end of each day to illuminate in a more protracted and relaxed manner some of our thoughts during the day.

Let me follow the theme of the gentleman from Georgia [Mr. GINGRICH] and his special order on some of the things that the electric boys in New York that either produce, edit or host the major media sources from which most Americans glean their appreciation of the news of the day, and tell my colleagues, Mr. Speaker, about a trip that I took to Massachusetts just a few days ago, 4 days ago on Saturday.

My first stop right out of Logan Field was to visit an Irish pub, and they certainly are Irish pubs in Boston. Two or three of the fellows at the main bar were actually full-blooded Irishmen from the old sod in Ireland, and even they had opinions about the Governor of the Commonwealth of Massachusetts.

But I visited the Erie pub, which proudly calls itself Ronald Reagan's favorite pub. He visited there on January 26, 1983, on a surprise visit, and they have a big bronze plaque of him that hits you right as you come in the main door. There were about eight fine looking young Americans in combat fatigues, cammies they are called now, jungle camouflage, sitting there and they were having lunch, eating sandwiches, having potato chips on their drill weekend, and they all gave me an ungarbled opinion about the Governor of the State of Massachusetts, and also what they thought their own party, every one of them was a Democrat, had done to the image of the Guard in trying to malign the reputation of the junior Senator from Indiana, Mr. DAN QUAYLE.

□ 2200

I went to the American Legion Post immediately next door and began therein a day of activity around the State that ended up at a picnic in the city of birth of our good Vice President, GEORGE BUSH, the town of Milton, MA. There were more than 1,000 maybe as many as 1,200 people at that picnic. It was a fine Americana event, beautiful, humid day more like a July 4th than a day in mid-September. Everywhere I went people were telling me they would bet the shirt off their back that Governor Dukakis is going to lose his own State 55 days from now in the Presidential election. How could this come to pass? Well, the people in Massachusetts did not have to be educated on this furlough program, what Mr. GINGRICH was trying to do for 2 nights in a row here in this distinguished legislative Chamber. But let me say a few things that I learned about Mr. Dukakis' hometown just a stone's throw from Milton, MA.

Mr. Dukakis began his political career as a very young man running for what we would call in California the city councilman. It is a little tougher in California. A person in his twenties, who is a member of the city council is a rare item indeed, it is a news story. But in Massachusetts what they call a councilman is a member of the Town Hall Meeting. They spell that in capital letters, Town Hall Meeting. That is their word for city council. In some cases it is over 100 members. By assiduously walking precincts you can gain this honor. It has a good Americana ring to it.

I am going to be having a Town Hall Meeting this week in California myself in my own district. And those are the very words I use in the notification that goes out to all of my constituents, my voters, Town Hall Meeting.

Well, the Town Hall members, this very week in Brookline, MA, Mr. Dukakis' hometown where he began his elective career, they will be debating hotly again whether or not the minority in that Town Hall Meeting of Brookline should be allowed to lead off that historic type of public forum in one of our thirteen Original States, one of our four commonwealths, whether they should start off with the Pledge of Allegiance.

You see, what Sam Donaldson at ABC will not tell us or Ted Koppel in the highly watched and I like it very much, Nightline show, what very few people in the electronic media will tell you, which you are not going to learn from the front page of the Washington Post or the New York Times or the Los Angeles Times, America's three great largest papers of record, is that there is more than just the symbolism of pledging allegiance to the flag that talks about a perfect America, with justice for all. The problem is there are some people in this country

who resent that pledge for one of three reasons, maybe all three.

One is they resent this word that we see above your head, Mr. Speaker, God. It says here "In God We Trust." That is on our coins, it is on our paper currency and in the Chamber at the north end of this beautiful Capitol Building, it is in the Chamber although it is on the opposite wall. It would be there on the south wall of the Senate Chamber so that the President of the Senate, who is the Vice President of the United States, when he sits in his chair if he lets his eyes go up as high as you would, Mr. Speaker, to just see the clock here in our Chamber, he would see those words also in the U.S. Senate Chamber, "In God We Trust."

Well, those words, "one nation under God," even this morning very few of us said it correctly. You should not break it up. There should be four pauses in the pledge and there should not be a pause between "one nation," that is not a statement, we are "one nation," what would be symbolized by the word "unity" carved into our desk here along with the words "liberty" and "tolerance and justice." I is just like saying "e pluribus unum," out of many states under a federated policy, one. It is one nation under God. That is the term that was added in 1953 when I was a teenage member of the U.S. Air Force waiting to go to pilot training. I was so thrilled we added those words under President Eisenhower and I said truly under this five-star general, the man who led the crusade in Europe, we were having a little rebirth of patriotism in America, and we were.

Cynicism was being set aside, the post-World War II cynicism that had started to bring to the floor the words "conservative" and "liberal" which I believe still have more meaning in this country than the words "Republican" and "Democrat".

So that is the phrase they have resented for over 35 years, "one nation under God."

Now there is another thing they do not like. I have already alluded to it. At the end of the pledge we say, "One nation under God, indivisible, with liberty and justice for all." They do not like those words, because that talks about a perfect America, something we aspire to. They cannot be a little romantic or poetic. They say since not everybody in this society—and there has never been a utopian society where everybody was perfectly free and got perfect justice—they say because that does not exist they do not want to use the pledge.

Then there is this overriding objection that the pledge, and this comes out of that strange left-wing dislike for the United States that grew out of the post-World War II period, general-

ly by those that certainly did not fight to crush Tojo or Mussolini or Hitler and put an end to fascism, there is this aspect they see in the pledge that it is somehow loyalty oath, which was such a disgusting subject to some people on college campuses in academia in the early-late forties or early fifties. I do not see it as a loyalty oath, because as the Speaker pointed out in this Chamber floor just last Thursday, this Pledge of Allegiance is designed to bring us together, not to divide us. JIM WRIGHT of Texas, our fine Speaker, said, "Look, if it were something that were offensive, we all take the pledge every time we come together the first Monday of January after a general election in this country, a federal election that covers the whole country." That is that next January on the first Monday there will be in this Chamber—and I hope I am still among the Members here—435 and God willing nobody get hurt between the election period and the swearing-in period. We have had a great astronaut in Colorado die shortly after the election and he never was sworn-in. But if everybody is healthy and in God's wisdom healthy, there will be 435 people with all little children—you can bring in anybody here who is under 10 years old. I know I snuck in a teenage daughter and she held my hand standing right there when I took the oath back on January 4, 1977.

It is a big thrill when we take that oath to uphold the Constitution of the United States against all enemies foreign and domestic. I guess there are some people who never would want to serve in this Chamber because they consider that as they consider the Pledge of Allegiance to Old Glory as somehow a loyalty oath.

But let me tell you something else about Dukakis' little Town Hall Meetings in Brookline. Brookline is only one of two townships out of hundreds in the Commonwealth of Massachusetts, only two that voted against proposition 2½, as he voted against proposition 2½ as a new Governor in his first term, abbreviated by his defeat by Governor King.

He supported that thinking in Brookline, that property taxes should be kept at a high level and there would be no proposition 2½, what we called in California the year before in 1978, proposition 13.

There is another thing I find out about Brookline, driving through the city looking at this beautiful, very wealthy community. We have communities like that in Los Angeles. We call them limousine liberal communities.

They have a sister city relationship, which is fine—all of the communities in Orange, and Los Angeles Counties and most California cities have sister city relationships with small cities in Mexico. Some of them are impoverished cities so they try to help them

economically through that relationship. Well, Brookline has adopted a city in Nicaragua. That is fine. But guess how they worked out the sister city in Nicaragua? Through the Communist oppressive Stalinist rotten junta of the nine comandantes led by the two Ortega brothers. That is how they whipped up their sister city status with the city in Nicaragua. Kind of fascinating to think about the last 2 years every single meeting they have, I understand, there is a fight over the Pledge of Allegiance in Brookline, MA.

Now listen to some of the things that Mr. Dukakis has talked about when he said in his acceptance speech in mid-July at the Democratic Convention in Atlanta, he said this is not a race about ideology for the Presidential election, it is about competence. Well, that line stunk to high heaven because you knew he was trying to tell us something right there, that he did not want to talk about his ideology.

He had said in Iowa earlier this year that he was a card-carrying member of the ACLU. You know where that old expression comes from. He was using it with emphasis because that used to be the way you would identify Communists. It was always sort of stupid even to me as a schoolboy, 17, 18, 19 years old. I knew that you were not going to hold up a Communist upside down, shake him hard and out would pour one of the early—they did not have plastic cards in those days—it would be a laminated wallet card that said, "Communist party USA." But that became the expression to separate fellow travelers or sympathizers or just fools and idiots from an actual member of the Communist Party.

Was he a member of a cell? Was he on the books, on the rolls?

So Dukakis uses that term in a forceful, not arrogant way, when he said, "I am a card-carrying member of the ACLU," meaning "I am a formal member and I pay dues."

Let me tell you as a Member of this Chamber whose immediate livelihood for 4 years before I was sworn in to the great 95th Congress, I traveled this country as the national spokesman of Citizens for Decency Through Law. At one time it had been called "Citizens for Decent Literature."

CDL is the Nation's largest and most effective antipornography organization. I did 49 States. The only State I missed was Alaska.

Someday, to complete it, I am going to go to Alaska and talk about the evils of child pornography, if nothing else, so that I can say I have discussed this evil subject in all of the 50 States.

I got over to Hawaii, and did the 48 continental States. I can tell you I never met a man or a woman in this country who could argue pornography effectively for the side that was permissive, what I choose to call the evil

side, never met anybody to argue that case for tolerating pornography in this country who was worth a hoot, who could put two sentences together with any powers of articulation except for members of the American Civil Liberties Union.

They were tough adversaries. I am not a lawyer. Most of them were. Fortunately for me none of them ever deduced that I was not a lawyer because I very effectively studied and learned the Supreme Court decisions that came down on June 21, 1973. The key decision was called the Miller decision. There were eight of them.

So the umbrella title of the Miller decisions was applied to all of them.

I learned them well like a barrack's lawyer. I was able to hold my own against lawyers all around this country. But they were the adversaries that were the toughest. People that graduated, yes, from Harvard Law, Stanford Law, the best law schools in the country. Wait a minute. Now why should I have said Stanford Law. I never went up against a pornography lawyer from Stanford. So let me clear Stanford.

But I went up against some from Harvard and other Ivy league schools, I can assure you, some of them from the great mother of Western education in California, the California university system. These people I used to tell them to their face, "You are like a hired mouthpiece lawyer for the mafia. You are sitting here hiding behind the flag and the great first amendment to our Constitution that Thomas Jefferson asked for to defend pornography." Now we have the situation where you put the word "child" in front of "pornography" and even some of these permissive-oriented liberals will sit up and say, "Well, I won't tolerate that."

Well, I can stand before my colleagues in this Chamber, before you, Mr. Speaker, and all 400,000 to 500,000 people who follow the proceedings of this House and flat out make this statement: That there are parts of this country where the public marketplace is polluted as a cesspool with pornography. And the group, more than any other institution or group in this country that has saturated parts of this Nation with this rotten female-degrading phenomenon called pornography which in Greek means the writing of horrors, that group is the ACLU, the American Civil Liberties Union. The ACLU almost single-handedly is responsible for our Nation being saturated in pornography. And when they give you this phony plea that they are against child pornography, let me tell you what most card-carrying ACLU members will say: "You can bust the child pornographers while they are making the pornography, corrupting the child," they say, "Go for it, we are

against them, bust them." But once the child pornography is produced, once the writing is there, once the photographs are there in black and white or color, sleazy Polaroids passed around by child molesters and pederasts, all this slick stuff that is produced in the San Fernando Valley, shipped to Denmark and then brought back into this country from Denmark, what a perverse type of weird tracking that is; they say, most of the ACLU members that I have debated on this subject, they say, "Once it is in existence, the written or photographic material, then it is protected by Old Glory up here and the first amendment to the Constitution," passed by the progenitors of this very 100th Congress. This is a disgrace in my lifetime.

Now that my Sally and I have seven grandkids to add to our five, and we look at what pornography has done to the quality of soap operas on commercial television, to dialog and lyrics in some very clever music in our country, what it has done to motion pictures, what it has done to the blasphemy on the screen, what it has done to the image of women in this country from a grandmother down to the littlest tiny daughter or niece, it is a disgrace.

□ 2215

And I make the charge again, as I have on shows for most of my adult life. The ACLU has been the principal cause of polluting the environment of this country, and Michael Dukakis is about as typical an ACLU member as I have ever seen in my life. His beliefs on the furlough program, his beliefs on crime in general, his beliefs on pornography, his beliefs on bestiality, his beliefs on abortion, everything he believes is the credo of the ACLU up and down the line.

Coming from Jacksonville where I said earlier in a 1-word minute speech I was on a drug sweep narcotics arrest on Monday night until almost 4 o'clock in the morning, flying back from Jacksonville to L.A. yesterday to go to a Bush dinner in downtown Los Angeles, I sat next to two Greek Americans who were speaking Greek, and ask if they were visiting the country and they said no, no, that they were second and third generation and they were facile in both languages, and we chatted, and they said, "These two Greek Americans are not for Mike Dukakis because we believe in the Christian values of our Greek Orthodox faith and do not like what he has stood for all of his life."

The chickens are coming home to roost not just on the defense and foreign policy but on the social issues.

Mary McGrory does not get the point, Sam Donaldson does not get the point, even conservative writers like Charles Krauthammer, who I greatly admire, and George Will, who I

admire, doesn't get the point. The reason we are saying the Pledge is because a majority of Democrats, particularly conservative Democratic Members from the South, do not want to be associated with the ACLU disdain for the Pledge in general which is a loyalty oath, for the romance of it says that this is the land of justice and freedom and all, and they do not want to be associated with those words, "under God," as the ACLU has on its long agenda to remove the words "in God we trust," from this Chamber, the other Chamber, our currency, chapel service, from West Point, Annapolis and the Air Force Academy, every vestige of religious life. They will take every mazzuzah off every public door, remove every menorah, every Christmas scene with the Christ child, ever creche from every public building.

I could rattle off right now seven city halls, one in my own district, one in Minnesota, one in Nevada. I used to go around traveling for Citizens for Decency Through Law, and when I saw the Ten Commandments sponsored by the Benevolent Protective Order of Elks, the Elks were sponsoring the Ten Commandments of Moses. There is Moses' face looking down at me right now of the 23 medallions of greater lawgivers, his is the only one not in a profile. It is a full face in bas relief and the eyes are looking right at you, Mr. Speaker, or right at me, or anybody in the whole Chamber. Whenever you go in the Chamber, Moses is looking at you.

The ACLU would like to take Moses out of here and take the row of saints out of here, starting with Edward I the Confessor, a saint; Alfonso of Spain; Gregory IX; St. Louis, a saint whose mother, Marguerite said she would rather have him dead at her feet than for him to commit a serious mortal sin. There is so much symbol the ACLU would like to get a hammer and chisel and take it out.

Patrick J. Buchanan is right. They are determined to remove the Judeo-Christian heritage of this Nation and they want the de-Christianizing of American public life. You can put up a lot of stars and Santa Claus pictures, but do not let the star represent the Star of Bethlehem a few months from now after the Presidential election is out of the way.

The reason the Pledge of Allegiance, Mr. Speaker, is symbolically important in this Chamber, tomorrow after the rest of our 15 and 19 days as we serve out the 101st Congress is because it is to remind us that that Pledge is a part of Americana that the majority of American citizens love and respect.

I do not necessarily go along with the tremendous numbers in favor of the Pledge that is in a current Gallup poll published on the front page of a national newspaper, USA Today, I

read flying in here this morning on the redeye from Los Angeles, saying that 70 percent of Americans believe our young students should be taught the Pledge or should recite the Pledge at the opening of the school day. I do not believe that 70 percent number. I would like to see how they asked questions. You can always skew polling by asking the question. I bet it is 90 percent if you explain what it instills into young children—a love of their government and civics, and says that 50 percent of those same citizens, 50 percent of those polled, said even if it is unconstitutional, they want it recited by our school children. They are ready to challenge whatever vestiges are left from the liberal prior Supreme Courts that would have fulfilled part of the ACLU agenda.

For example, in the abortion on demand Roe vs. Wade decision.

Let me close with a story about one of my seven grandchildren, my first granddaughter, Tara, named after that beautiful holy place in Ireland, the mountain where St. Patrick gave his greatest speech for Jesus that converted that whole beautiful island to the people of my heritage. My little granddaughter who lives in Springfield is the second of three grandchildren, that the three that live in the east branch that are in Virginia, because this is where their mom and dad have chosen to live. This is my middle daughter, Theresa's daughter, her child Tara. She has one son Ricky, and the two daughters, Tara and Anna.

Tara has just joined a group called Young Citizens for America. She is a first grader.

This is an extracurricular little group, on activity. I think they are at this very moment in the process of changing their name to Young Educated Children of America, because someone owned that prior title, Young Citizens for America. They are going to memorize in the next few months, and I cannot wait to have my 5-year-old granddaughter recite the Pledge of Allegiance, the Preamble to the Constitution. I would be willing to bet a good old Thomas Jefferson \$2 bill, that 10 percent of this Chamber's membership of 435 cannot recite fully and perfectly, "We, the people of the United States, in order to form a more perfect Union." I just wonder how many know the full beautiful words or the Preamble to the Constitution. Then they will learn the Battle Hymn of the Republic, the Star Spangled Banner, and they will eventually sing these songs and recite the Pledge at the White House later in the year.

Now, my little granddaughter is not in a Catholic parochial school or a Jewish traditional religious school, or a Lutheran or Methodist school. She is in the public school system of Virginia, and this group that they are form-

ing has the blessing and sanction of the school and they will learn with dignity, something about the history of the United States.

You know, there was a period after I got out of the Air Force when I said the Pledge regularly in the Air Force, and there was a period of struggling and feeding my family and my family was growing, where I did not go to any civic meetings, I did not belong to the Rotary or Kiwanis. I was too tired at night, and too busy trying to feed the young families when I was just getting out of the Air Force from being a supersonic fighter pilot, and was driving a cab and working as a gym instructor, handling two or three jobs at one time, and I went through a period of 2 or 3 years there was no association of the groups, of civic action that begin their day with a Pledge, and when I finally found a little window of spare time in my young family life, my late 20's to start going back to meetings, and these were similar to the gatherings in the Air Force, and started saying the Pledge again, it was a big thrill. I missed it for the 2 or 3 years.

All I had was at the end of the day maybe when the television signal went out you saw an F-80 jet replaced by a Star Fighter or replaced by an F-16 Falcon or F-15 Eagle, the beautiful poem that President Reagan recited parts of when we lost our heroic seven *Challenger* astronauts that begins, "Oh, I have slipped these surly bonds of earth," and ends with the words "Reach out and touch the face of God."

I would hear that at the end of the day. I would hear it from the Naval Academy, see cruisers or a destroyer in heavy seas coming to the waters and the prayer was at the end of the television day, about protecting the men who go to sea.

That was the only patriotism in my life during the period until I was able to get back into a Reserve unit and start to get around observable patriotism again.

I am looking at this picture in front of me here of Michael Dukakis, putting on a hat, looking so silly, sitting in the commander's turret of a tank. Not doing anything. Just sitting there bopping around. I went up and looked at an M-1 tank at Fort Campbell, but they put me in the driver's seat. Only one person is in the driver's seat, and nobody sits next to you, and they let me drive this when I was a freshman Congressman, around the Reserve at Fort Campbell. Michael Dukakis should have been in the front seat which would be far more exciting than the clerk-typist job he had.

A lot of things he would like to eat in his life that he has said, where he said he was hunkered in a rice paddy in Korea, wondering if he would ever come home.

He is guilty to the nth degree of what the majority whip tried to accuse me of in the last election go-around, saying I avoided service in Korea. What a riot. I joined when I was 19 years of age in October 1952, the war had plenty of years to go at that time, so many were joining. I had to wait 3 months to get sworn in on January 30, 1953. President Eisenhower took the oath of office 10 days before I took my oath as an airman basic, and I wanted to go to pilot training and do the most dangerous thing I could do in the military, and he was taking student deferments at Swarthmore College. Dukakis and I were both born in 1933. I was born April 3, 1933. He was born November 3, 1933.

I was watching a lot of my friends give lives in peacetime, doing the most dangerous of all jobs in peacetime which was flying highly complex jet aircraft at very high speeds, sometimes in very difficult circumstances, difficult weather, and he went over to Korea as a clerk-typist. He took a short Army tour because when you went to Korea it knocked off 3 years off the end of your tour, and he served 21 months. He told a friend he wanted to do that so he could run for political office. Too bad that Michael Dukakis did not do the more honorable thing that most people did that wanted a political career in those days, to give a few extra months out of your year to serve as a sergeant, chief petty officer, or officer. He could have done that. If he had not hated the military so much then, because of the college degree from Swarthmore, if he had given the military 3 years instead of 21 months, he could have been an Army lieutenant and commanded men in the military and prepared himself for the job he aspires to as Commander in Chief.

He did not sit in a rice paddy. He pounded on a typewriter.

It said on the evening news he hated his military service. Tough. Too bad. I loved military service. I actually felt like I should go back in and take my paycheck backward. I felt guilty receiving it because I would have done for free what I was paid \$400 a month to do, fly supersonic F-100 super sabre jet aircraft.

I look at this guy and I think about the long string of Presidents from Franklin Roosevelt, Assistant Secretary of the Navy, although he was a man crippled in a wheelchair, and I think about Harry Truman, like my dad, exactly like my father, a captain in artillery, in combat, in World War I. My father, like Harry Truman, my dad was Harry, both Harrys, combat, captains in artillery, and he was replaced by Dwight Eisenhower, five stars on his shoulders.

As I said earlier, the man who led the crusade across Europe, to crush Adolf Hitler, and after Eisenhower, young PT boat commander, started a

string of naval officers, John F. Kennedy, naval officer, replaced by Lyndon Baines Johnson, naval officer, Navy commander. Then replaced by Richard Nixon, naval officer, would love to have had a combat position. Somebody has to be in place. Nixon hated it, aspired to a combat position like Kennedy. You do not get to call exactly what you do in the military but call, strive, ask for and sometimes come up with a job that is not the most desirable or the most dangerous. That naval officer, the third in a row, was followed by yet another naval officer, a senior grade, Gerald Ford. That was Jerry Ford, and Jerry Ford was followed by yet another naval officer, Jimmy Carter. So there were five naval officers in a row—Kennedy, LBJ, Nixon, Ford, and Carter.

Then came an Army Air Corps officer, the Army Air Force lieutenant, another lieutenant, Ronald Reagan, again somebody who would have liked to have gone off to combat like his dear friend, James Stewart, who is a movie star, also of Reagan's caliber and more acclaimed. He led an entire bomb wing of B-17 fortresses over Europe. He was a guy who could have easily gotten out of serving in the military.

But at least Reagan was doing the best he could. He was in his middle or late 30's, with three children, and he served as an officer in the Air Force.

Now comes Dukakis sitting there riding around in this tank with a helmet on. What a silly looking sight that was. I honestly feel sorry for him, because I talked to maybe 200 Democrats in Massachusetts, and not one of them is for him. I will take a bet from anybody that this man is starting into a free-fall period now. This race may completely drop out from under him. I honestly believe, after a day and a half in Massachusetts, that this man is not even going to carry his own State.

What we are going to see is yet another Navy lieutenant, the seventh in a row of lieutenants, one commander and one five-star general, people who understand what it is to lead men in the military, who took that extra year or two to become a noncommissioned officer or warrant officer, people who did not loath the military and get in or out in 21 months and then try to declare their State a draft-free zone during the Vietnam war.

Mr. Speaker, I will close on this. Let me cover at this moment another one of these things that he would like to forget about.

□ 2230

The man, Gov. Michael Dukakis, ACLU member, as NEWT GINGRICH said before me, is the most liberal man to ever run for the Office, even more liberal than McGovern. Yes, McGovern said weird things like he would

crawl on his hands and knees to Hanoi to end the war, but then, when Cambodia turned into the killing fields where this Communist purge of death started, remember what former Senator McGovern said? That we should invade Cambodia.

Mr. Speaker, never would the words "invade Cambodia" ever come out of the mouth of this leftwing, self-described intellectual, so I feel sorry for Dukakis. The free fall is starting.

The Pledge of Allegiance is important because of what it says symbolically about Brookline, the Brookline mindset, and that Michael Dukakis, who is not qualified to be the Commander in Chief, and that includes over the Coast Guard under the Department of Transportation, is somebody who sends men off to die in combat. This Member believes he should have been willing to do the same at some point in his life and to spend those extra years in the military that are required of someone if they want to do something dangerous in the military or perform some role of leadership as a noncommissioned officer, petty officer, or, in fact, an officer.

Mr. Speaker, I yield back the balance of my time.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1988

(Mr. DERRICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DERRICK. Mr. Speaker, on behalf of Chairman WILLIAM H. GRAY III, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of spending, credit, and revenues for fiscal year 1988. Since the last comprehensive report, Congress has cleared and the President has signed the dire emergency supplemental appropriations (Public Law 100-393). This action has changed estimates of budget authority and outlays.

The term "current level" refers to the estimated amount of budget authority, outlays, credit authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

Current level reports are intended to provide Members information to compare enacted spending and revenues with the aggregate ceilings on budget authority, outlays, and revenues established in a budget resolution, and also to compare enacted legislation with the allocations of new discretionary budget authority, entitlement authority, and credit authority made to a committee pursuant to subsection 302(a) of the Budget Act. This report compares the spending, credit, and revenue

levels in current level with those assumed in the budget resolution for fiscal year 1988 (House Concurrent Resolution 93), adopted on June 24, 1987.

Current level reports provide information that is necessary for enforcing section 311 of the Budget Act. Subsection 311(a) prohibits the consideration of a spending or revenue measure if the adoption of that measure would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause revenues to be less than the appropriate level of revenues set in the budget resolution.

Subsection 311(b) provides an exception to the 311(a) point of order for measures that would breach the ceilings on total spending set in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of discretionary spending authority made pursuant to section 302(a) of the Budget Act. Such an exception was first provided by the budget resolution for fiscal year 1985 (House Concurrent Resolution 280, 98th Congress). The exception was made permanent by the amendments to the Budget Act included in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177, Gramm-Rudman-Hollings). This exception is intended to protect a committee that has stayed within its allocation of discretionary budget authority and new entitlement authority from points of order if the total spending ceilings have been breached for reasons outside of its control. For fiscal year 1988, the 302(a) allocations to House committees made pursuant to the conference report on House Concurrent Resolution 93 were printed in House Report 100-201, July 1, 1987.

Section 311(c) of the Budget Act provides that, for purposes of enforcing section 311, the levels of new budget authority, entitlement authority, outlays, and revenues shall be determined on the basis of estimates made by the Committee on the Budget. Current level reports represent partial fulfillment of this enforcement responsibility of the Budget Committee by providing both estimates of enacted aggregate spending and revenues, and, for purposes of determining the applicability of the section 311(b) exception, estimates of the relationship between the budgetary effect of enacted legislation within a committee's jurisdiction and the allocation of spending authority made to that committee.

The estimates in this report are based on economic and technical assumptions in place at the time of the adoption of the budget resolution, House Concurrent Resolution 93, on June 24, 1987. This is intended to protect committees which acted on the basis of the assumptions of the budget resolution from changes in economic and technical factors over which they have no control. Unless the Congress adopts a subsequent budget resolution for a fiscal year that alters the assumptions about legislative actions, committees should be able to expect that measures that conform with the budget resolution will not be subject to points of order for violation of the Budget Act. To do otherwise and base enforcement on constantly changing economic and technical estimates would seriously disrupt the legislative process, penalize commit-

tees that are unable to complete work on legislation within a short period after adoption of a budget resolution, and undermine respect for budget enforcement procedures.

In addition to section 311, the Budget Act contains another point of order that requires Budget Committee estimates for enforcement. Section 302(f)(1) of the Budget Act prohibits the consideration of a measure providing new budget authority, new entitlement authority, or new credit authority if the adoption of that measure would cause a committee to exceed its allocation of new spending or credit authority made pursuant to subsection 302(b) of the Budget Act. The 302(b) allocation is a subdivision of the new spending, new entitlement, and new credit authority allocated to a committee pursuant to section 302(a), among either the subcommittees of that committee or among programs over which the committee has jurisdiction. This point of order was added to the Budget Act by the amendments included in the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 302(g) provides that the enforcement of section 302 shall be based on estimates of spending and credit authority made by the Committee on the Budget. The Budget Committee fulfills this responsibility by providing, as necessary, a separate section 302 status report to the Speaker.

For information purposes only, current level reports will continue to include a comparison of the budget and credit authority divided among the Appropriations subcommittees by that committee's 302(b) division with the actual enacted spending and credit legislation within each subcommittee's jurisdiction.

As chairman of the Budget Process Task Force, and on behalf of Chairman GRAY, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,

COMMITTEE ON THE BUDGET,

Washington, DC, September 14, 1988.

HON. JAMES C. WRIGHT, Jr.,

Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending.

I am herewith transmitting the status report under H. Con. Res. 93, the Concurrent Resolution on the Budget for Fiscal Year 1988.

In the House of Representatives, the procedural situation with regard to the spending ceilings (total budget authority and total outlays) is affected by Section 311(b) of the Congressional Budget Act of 1974, as amended by P.L. 99-177. Enforcement against possible breaches of the spending ceiling under 311(a) of the Budget Act would not apply when a measure would not cause a committee to exceed its "appropriate allocation" of "new discretionary budget authority" or "new entitlement authority" made pursuant to Section 302(a) of the Budget Act. It should be noted that under this procedure the committee's outlay allocation is not considered.

The intent of Section 311(b) of the Budget Act is to protect a committee that has stayed within its spending authority al-

locations—discretionary budget authority or new entitlement authority—from points of order if the total spending ceilings have been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on H. Con. Res. 93 were printed in H. Rept. 100-201 (July 1, 1987).

The enclosed tables compare enacted legislation to each committee's 302(a) allocation of discretionary budget authority, new entitlement authority, new directed loan obligations and new primary loan guarantee commitments. The estimates of spending and revenues for purposes of the application of points of order under the Budget Act are based upon the economic and technical assumptions underlying the fiscal year 1988 budget resolution, H. Con. Res. 93.

Sincerely,

WILLIAM H. GRAY III,
Chairman.

Enclosures.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1988 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 93

REFLECTING COMPLETED ACTION AS OF SEPT. 13, 1988

(In millions of dollars)

	Budget authority	Outlays	Revenues
Appropriate level.....	1,146,000	1,034,700	932,800
Current level.....	1,146,329	1,031,916	922,250
Amount under ceilings.....		2,784	
Amount over ceilings.....	329		
Amount under floor.....			10,550
Amount over floor.....			

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate of budget authority for fiscal year 1988, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 93 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds \$2,784 million in outlays for fiscal 1988, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 93 to be exceeded.

REVENUES

Any measure that would result in a revenue loss which is not included in the current level estimate, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 93.

FISCAL YEAR 1988 BUDGET AUTHORITY—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE PURSUANT TO SEC. 302

(In millions of dollars)

	Current level budget authority
House committee:	
Agriculture.....	(+167)
Appropriations ¹	(-5,795)
Armed Services.....	(-)
Banking, Finance, and Urban Affairs.....	(+199)
District of Columbia.....	(-)
Education and Labor.....	(-)
Energy and Commerce.....	(+566)
Foreign Affairs.....	(-)

FISCAL YEAR 1988 BUDGET AUTHORITY—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE PURSUANT TO SEC. 302—Continued

(In millions of dollars)

	Current level budget authority
Government Operations.....	(-)
House Administration.....	(-)
Interior and Insular Affairs.....	(-6)
Judiciary.....	(-)
Merchant Marine and Fisheries.....	(+94)
Post Office and Civil Service.....	(-460)
Public Works and Transportation.....	(-20)
Science and Technology.....	(-)
Small Business.....	(-41)
Veterans' Affairs.....	(-2)
Ways and Means.....	(+546)

¹ See next table for detail.

Note.—Committees are over (+) or under (-) their 302(a) allocation for discretionary action.

FISCAL YEAR 1988 HOUSE APPROPRIATIONS COMMITTEE DISCRETIONARY ACTION—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION SUBDIVISIONS OF THE HOUSE APPROPRIATIONS COMMITTEE PURSUANT TO SEC. 302

(In millions of dollars)

House appropriations subcommittee subdivisions	Current level budget authority	Direct loans	Primary loan guarantees
Commerce, State, Justice.....	(-197)	(-56)	(+23)
Defense.....	(+4,281)	(-)	(-)
District of Columbia.....	(-32)	(-)	(-)
Energy and Water.....	(-701)	(-)	(-)
Foreign Operations.....	(-152)	(+158)	(+5,944)
HUD/Independent Agencies.....	(-1,195)	(-33)	(-6)
Interior.....	(-151)	(-)	(-)
Labor, HHS, Education.....	(-2,589)	(-29)	(-)
Legislative Branch.....	(-38)	(-)	(-)
Military Construction.....	(-)	(-)	(-)
Rural Development and Agriculture.....	(-2,597)	(-192)	(-227)
Transportation.....	(-494)	(-95)	(+45)
Treasury, Postal Service.....	(-311)	(-)	(-)
Contingencies/Unassigned.....	(-1,619)	(-64)	(-72)
Total.....	(-5,795)	(-311)	(+5,707)

Note.—Subcommittees are over (+) or under (-) their 302(b) subdivisions of discretionary action.

FISCAL YEAR 1988—ALLOCATION OF NEW ENTITLEMENT AUTHORITY [NEA] PURSUANT TO SEC. 302

(In millions of dollars)

Committee	Allocation	Reported	Enacted	Enacted over (+) or under (-) allocation
Agriculture.....	-1,200	-1,474	-1,167	+33
Armed Services.....	+1,682	+1,482	+1,648	-34
Education and Labor.....	+5	+5	-229	-234
Energy and Commerce.....	+550	+487	+54	-496
Interior and Insular Affairs.....			+9	+9
Post Office and Civil Service.....	+1,459	+1,458	-299	-1,758
Veterans' Affairs.....	+367	+385	+344	-23
Ways and Means.....	-1,389	-173	-2,221	-832

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 14, 1988.

HON. WILLIAM H. GRAY III,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays, estimated revenues, and direct and guaranteed loan levels in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1988 budget (H. Con. Res. 93). This report for fiscal year 1988 is tabulated

as of close of business September 13, 1988. A summary of this tabulation is as follows:

(In millions of dollars)

	Current level	Budget Resolution H. Con. Res. 93	Current level +/- resolution
Budget authority.....	1,146,329	1,146,000	329
Outlays.....	1,031,916	1,034,700	-2,784
Revenues.....	922,250	932,800	-10,550
Direct loan obligations.....	34,442	34,600	-158
Guaranteed loan commitments.....	155,145	156,700	-1,555

Since my last report, Congress has taken no action that affects the current level of spending or revenues.

Sincerely,

JAMES L. BLUM,
Acting Director.

PARLIAMENTARIAN STATUS REPORT, 100TH CONG. 2D SESS., HOUSE SUPPORTING DETAIL, FISCAL YEAR 1988 AS OF CLOSE OF BUSINESS SEPT. 13, 1988

(In millions of dollars)

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			922,250
Revenues.....			
Permanent appropriations and trust funds.....	777,385	695,641	
Other appropriations.....	569,646	574,400	
Offsetting receipts.....	-202,566	-202,566	
Total, enacted in previous sessions.....	1,144,464	1,031,457	922,250
II. Enacted this session:			
Rescission of Jewish Education Centers Public Law 100-251.....	-8	-5	
Veterans Home Loan Program emergency.....		1	
Assistance and Support for Central America (Public Law 100-276).....		43	
Veterans Emergency Supplemental (Public Law 100-304).....	709		
Veterans Benefits and Services Act of 1988 (Public Law 100-322).....	1	1	
College-aid Annual Appropriation for Territories (Public Law 100-339).....	(¹)	(¹)	
Catastrophic Health Care (Public Law 100-360).....		5	
Atomic Veterans Compensation Act (Public Law 100-321) *.....			
Disaster Emergency Supplemental Appropriations (Public Law 100-393).....	657	195	
Total, enacted this session.....	1,359	240	
III. Continuing resolution authority:			
IV. Conference agreements ratified by both Houses.....			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Special milk.....	5	1	
Special benefits.....	83	83	
Special benefits for disabled coal miners.....	7		
Medical.....	51	51	
Social Services block grants.....	50	48	
Veterans compensation:			
Previous law.....	282		
H.R. 1811.....	15	12	
Payment to air carriers.....	8	2	
Coast Guard retired pay.....	6	6	
Total, entitlement authority.....	506	202	
Total, current level as of Sept. 13, 1988.....	1,146,329	1,031,916	922,250
1988 budget resolution H. Con. Res. 93.....	1,146,000	1,034,700	932,800
Amount remaining:			
Over budget resolution.....	329		
Under budget resolution.....		2,784	10,550

¹ Less than \$500,000.

* This act increases the current law estimate for veterans compensation, which requires an appropriation. The amount is shown in section V.

Note.—Numbers may not add due to rounding.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BROWN of California (at the request of Mr. PEPPER), for September 15-24, 1988, on account of official business.

Mr. SCHEUER (at the request of Mr. PEPPER), for September 15-24, 1988, on account of official business.

Mr. BLAZ (at the request of Mr. PEPPER), for September 15-24, 1988, on account of official business.

Mr. WORTLEY (at the request of Mr. MICHEL), for today through September 28, 1988, on account of official business.

Mr. BARNARD (at the request of Mr. FOLEY), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous matter:)

Mr. FISH, for 5 minutes, today.

Mr. COATS, for 60 minutes, each day on September 16, 22, and 23.

Mr. ARMEY, for 60 minutes, on September 22.

Mr. WALKER, for 60 minutes, today.

Mr. DAUB, for 5 minutes, today.

(The following Members (at the request of Mr. HARRIS) to revise and extend their remarks and include extraneous matter:)

Mr. DORGAN of North Dakota, for 5 minutes, today.

Mr. HOYER, for 5 minutes today.

Mr. GORDON, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. BONIOR, for 60 minutes, today.

Mr. COYNE, for 5 minutes, on September 15.

Mr. BOLAND, for 5 minutes, on September 15.

Mr. BONIOR, for 60 minutes, each day on September 15 and 20.

Mr. FRANK, for 60 minutes, each day on September 22 and 23.

Mr. WEISS, for 60 minutes, on September 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. CLINGER.

Mr. PETRI.

Mr. CONTE in two instances.

Mr. DORNAN of California in two instances.

Mr. SWEENEY.

Mr. GRANDY.

Mr. RITTER in two instances.

Mr. BUECHNER.

Mr. FIELDS.

Mr. HASTERT.

Mr. LIGHTFOOT.

Mr. GALLO.

Mr. PARRIS.

Mr. MARLENEE.

Mr. LENT.

Mr. HORTON.

Mr. SCHULZE.

Mr. LAGOMARSINO.

(The following Members (at the request of Mr. HARRIS) and to include extraneous matter:)

Mr. HAMILTON.

Mr. TRAFICANT in two instances.

Mr. MORRISON of Connecticut.

Mr. HAWKINS.

Mr. DOWDY of Mississippi.

Mrs. SCHROEDER.

Mr. ROE.

Mr. RANGEL.

Mr. STUDDS.

Mr. MATSUI.

Mr. NOWAK.

Mr. ATKINS.

Mr. KLECZKA.

Mr. WILLIAMS.

Mr. ASPIN.

Mr. LEHMAN of Florida.

Mr. KOSTMAYER.

Mr. TORRES.

Mr. DE LA GARZA.

Mr. VENTO.

Mr. ROYBAL in two instances.

Mr. SYNAR.

Mr. KILDEE.

Mr. DARDEN.

Mr. CLAY.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4783. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1989, and for other purposes; and

H.R. 4867. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following titles:

S.J. Res. 328. Joint resolution to designate the day of September 14, 1988, as "National Medical Research Day".

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day

present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 1939. An act to provide for continuing interpretation of the Constitution in appropriate units of the National Park System by the Secretary of the Interior, and to establish a National center for the United States Constitution within the Independence National Historical Park in Philadelphia, PA;

H.R. 5143. An act to waive the period of congressional review for certain District of Columbia acts authorizing the issuance of revenue bonds;

H.R. 1270. An act to award a congressional medal to Mrs. Jesse Owens, and for other purposes;

H.R. 2701. An act to amend the Natural Gas Policy Act of 1978 to remove certain contract duration and right of first refusal requirements; and

H.J. Res. 453. Joint resolution designating September 16, 1988, as "National POW/MIA Recognition Day."

ADJOURNMENT

Mr. DORNAN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, September 15, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4319. A letter from the director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of September 1, 1988, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 100-230); to the Committee on Appropriations and ordered to be printed.

4320. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4321. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4322. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4323. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4324. A letter from the Comptroller General, transmitting the agency's report and recommendation concerning the claim of Ms. Eunice E. Choate to be relieved of liability for repayment of travel expenses that were erroneously paid to her by the Department of the Air Force, pursuant to 31 U.S.C. 3702(d); to the Committee on the Judiciary.

4325. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1986 to authorize the payment of taxes by credit cards or other means; to the Committee on Ways and Means.

4326. A letter from the Secretary of Health and Human Services, transmitting a report on the Nuclear Regulatory Commission Drug-Free Workplace Program, the first in a series of such planned reports, pursuant to Public Law 100-71, title V, section 503(a)(1)(B) (101 Stat. 469); jointly, to the Committees on Appropriations and Post Office and Civil Service.

4327. A letter from the Acting Chairman, National Transportation Safety Board, transmitting a copy of the Board's budget request for fiscal year 1989, pursuant to 49 U.S.C. app. 1903(b)(7); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ACKERMAN: Committee on Post Office and Civil Service. H.R. 5102, a bill to amend the provisions of title 5, United States Code, relating to the health benefits program for Federal employees and certain other individuals; with amendments (Rept. 100-917). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MONTGOMERY (for himself, Mr. SOLOMON, Mr. DOWDY of Mississippi, Mr. HAMMERSCHMIDT, Ms. KAPTUR, Mr. PENNY, Mr. STUMP, Mr. ROWLAND of Georgia, Mr. McEWEN, Mr. GRAY of Illinois, Mr. SMITH of New Jersey, Mr. STENHOLM, Mr. BURTON of Indiana, Mrs. PATTERSON, Mr. RIDGE, Mr. JOHNSON of South Dakota, Mr. ROWLAND of Connecticut, Mr. DORNAN of California, Mr. SMITH of New Hampshire, and Mr. DAVIS of Illinois):

H.R. 5288. A bill to amend title 38, United States Code, to provide an improved system of review of decisions of the Veterans' Administration with respect to claims for veterans' benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FIELDS (by request):
H.R. 5289. A bill entitled, "Oil Pipeline Regulatory Reform Act of 1988"; to the Committee on Energy and Commerce.

By Mr. FORD of Michigan:
H.R. 5290. A bill to establish a program of grants to consortia of local educational

agencies and community colleges for purposes of providing tech-prep education; to the Committee on Education and Labor.

By Mr. HUTTO:
H.R. 5291. A bill to provide the Secretary of the Air Force with authority to convey certain land; to the Committee on Armed Services.

By Mr. LANCASTER (for himself, Mr. JONES of North Carolina, Mr. LAFALCE, Mr. KLECZKA, Mr. BATES, Mr. HARRIS, Mr. DeFAZIO, and Mr. NEAL):

H.R. 5292. A bill to amend the Inspector General Act of 1978 to authorize inspectors general to subpoena witnesses; to the Committee on Government Operations.

By Mr. LIGHTFOOT (for himself and Mr. HORTON):

H.R. 5293. A bill to amend the Public Health Service Act to prohibit the Secretary of Health and Human Services from disclosing to the Congress, without the consent of the patient involved, patient identifying information in medical records acquired or created by the Public Health Service; to the Committee on Energy and Commerce.

By Mr. NEAL:
H.R. 5294. A bill to require that the President negotiate with Japan an agreement whereby Japan reimburses the United States for a portion of the costs the United States incurs in providing a military defense of Japan; to the Committee on Foreign Affairs.

By Mr. PARRIS:
H.R. 5295. A bill to retrocede to the Commonwealth of Virginia concurrent power and jurisdiction of the United States to the lands known as the Lorton Reformatory Complex; jointly, to the Committees on the Judiciary and the District of Columbia.

By Mr. RICHARDSON (for himself, Mr. DORGAN of South Dakota, Mr. LUJAN, Mr. SKEEN, Mr. KILDEE, and Mr. JOHNSON of South Dakota):

H.R. 5296. A bill to amend the Carl D. Perkins Vocational Education Act to establish a program of grants for vocational-technical training and to encourage tribal economic development, to provide for the designation of the National Indian Center for Research in Vocational-Technical Training, and for other purposes; to the Committee on Education and Labor.

By Mr. ROBERTS:
H.R. 5297. A bill to authorize the reformulation of the Cedar Bluff Unit of the Pick-Sloan Missouri Basin Program, KS, to provide for the amendment of water service and repayment contracts; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. SWEENEY:
H.R. 5298. A bill to amend title XVIII of the Social Security Act with respect to making more equitable the application of the area wage index for prospective payment of hospitals under the Medicare Program; to the Committee on Ways and Means.

By Mr. BERMAN:
H.R. 5299. A bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States; to the Committee on the Judiciary.

By Mr. DE LA GARZA:
H.R. 5300. A bill to require the Secretary of Transportation to extend the coverage of certain motor carrier safety regulations to motor carriers operating wholly within a commercial zone, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. GORDON:
H.R. 5301. A bill to provide for the transfer of certain real property at the Alvin C. York Veterans' Administration Medical Center in Rutherford County, TN, to the State of Tennessee, for use as a State veterans nursing care facility; to the Committee on Veterans' Affairs.

By Mr. HERTEL:
H.R. 5302. A bill to establish a pilot program for the tracking of medical wastes in the States bordering the Great Lakes; jointly, to the Committees on Energy and Commerce, Merchant Marine and Fisheries, and Public Works and Transportation.

By Mr. HOPKINS (for himself, Mr. WHITTAKER, Mr. ROGERS, and Mr. HUBBARD):

H.R. 5303. A bill to amend the Water Resources Development Act of 1986 to provide Federal cost sharing for water supply projects, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. KILDEE:
H.R. 5304. A bill to provide financial assistance to States and localities for high quality early childhood development programs for prekindergarten children, and for other purposes; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia:
H.R. 5305. A bill to authorize the establishment of the National African-American Heritage Museum within the Smithsonian Institution and to establish a memorial to the African American, and for other purposes; jointly, to the Committees on House Administration and Public Works and Transportation.

By Mr. McEWEN:
H.R. 5306. A bill to amend title 23, United States Code, to eliminate a reduction of the apportionment of Federal-aid highway funds to certain States, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. OWENS of Utah:
H.R. 5307. A bill to settle issues relating to Ute Indian water rights, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TRAFICANT:
H.R. 5308. A bill to prohibit law enforcement Federal financial assistance to States that do not have in effect a law that permits imposition of the death penalty, and requires imposition of the death penalty or life imprisonment without parole, for any conviction of premeditated murder and for any conviction of murdering a law enforcement officer under certain circumstances; to the Committee on the Judiciary.

By Mr. PANETTA:
H.J. Res. 653. Joint resolution designating October 14 through 20, 1988, as "National Culinary Week"; to the Committee on Post Office and Civil Service.

By Mr. SCHUMER:
H.J. Res. 654. Joint resolution designating November 4 through 10, 1988, as the "Week of Remembrance of Kristallnacht"; to the Committee on Post Office and Civil Service.

By Mr. KOSTMAYER (for himself, Mr. FEIGHAN, Mr. WEBER, Mr. DEWINE, Mr. WEISS, Mr. ATKINS, Mr. SMITH of Florida, Mr. WOLPE, Mr. LAGOMARSINO, Mr. ACKERMAN, Mr. BERMAN, Mr. CLARKE, Mr. FUSTER, Mr. LANTOS, Mr. LEVINE of California, Mr. TORRICELLI, Mr. LEACH of Iowa, Mr. UDALL, Mr. MOLINARI, Mr. MILLER of Washington, Mr. MARKEY, Mr. KONNYU, Mr. LEHMAN of Florida,

Mr. OWENS of Utah, Mr. TRAFICANT, Mr. BLILEY, Mr. BORSKI, Mr. MOODY, Mr. MRAZEK, Mr. GRAY of Illinois, Mr. DINGELL, Mr. WYDEN, Mr. GEJDENSON, Mr. RITTER, Mr. RINALDO, Mrs. MARTIN of Illinois, Mr. BROOMFIELD, Mr. GILMAN, Mr. APPELGATE, and Mr. McCURDY):

H. Con. Res. 364. Concurrent resolution congratulating Israel and Egypt on the 10th anniversary of the Camp David accords; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1028: Mr. FRENZEL, Mr. CHAPMAN, Mr. NOWAK, Mr. CRAIG, Mr. GUARINI, Mr. LUNGREN, Mr. HEFLEY, and Mr. BEREUTER.

H.R. 1990: Mr. SMITH of New Hampshire and Mr. GRAY of Illinois.

H.R. 2532: Mr. FLAKE.

H.R. 2624: Mr. BONIOR of Michigan.

H.R. 2828: Mr. WILLIAMS, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. DYSON, Mr. KOSTMAYER, and Mr. OLIN.

H.R. 2854: Mr. JEFFORDS.

H.R. 2925: Ms. KAPTUR and Mr. TORRES.

H.R. 3101: Mr. RITTER.

H.R. 3129: Mr. DEFazio.

H.R. 3132: Mr. FISH.

H.R. 3454: Mr. FISH.

H.R. 3660: Mr. GIBBONS.

H.R. 3696: Mr. DOWDY of Mississippi.

H.R. 3845: Mr. MOORHEAD and Mr. CARDIN.

H.R. 3865: Mr. FRENZEL, Mr. PACKARD, and Mr. JEFFORDS.

H.R. 4027: Mr. NEAL.

H.R. 4093: Mr. AUcoin.

H.R. 4141: Mr. CHAPMAN and Mr. GINGRICH.

H.R. 4189: Mr. BRYANT, Mr. TRAFICANT, Mr. LEVIN of Michigan, Mr. FOGLIETTA, and Mr. THOMAS A. LUKE.

H.R. 4250: Mr. MINETA.

H.R. 4258: Mr. HEFLEY.

H.R. 4302: Mr. GRANDY, Mr. MCCANDLESS, Mr. ROWLAND of Connecticut, Mr. LEWIS of California, Mr. GILMAN, Mr. LUJAN, Mr. HOPKINS, Mr. STUMP, Mr. ROBERT F. SMITH, and Mr. PURSELL.

H.R. 4494: Mr. OWENS of New York, Mr. FAUNTROY, Mr. LOWRY of Washington, Mr. ACKERMAN, Mr. ATKINS, Mr. MRAZEK, Mr. MORRISON of Connecticut, Mr. STOKES, Mr. FEIGHAN, and Mr. MOODY.

H.R. 4562: Mr. STOKES.

H.R. 4570: Mr. LEWIS of California.

H.R. 4606: Mr. BORSKI.

H.R. 4657: Mr. CARDIN.

H.R. 4899: Mr. BEVILL, Mr. PICKETT, Mr. FRANK, Mr. MFUME, Mr. CARDIN, Mr. TRAXLER, Mr. ATKINS, Mrs. COLLINS, Mr. VENTO, Mr. MATSUI, Mr. EDWARDS of California, Mrs. BOXER, Mr. CLAY, Mr. RANGEL, Mr. KENNEDY, Ms. OAKAR, Mr. FAUNTROY, Mr. ACKERMAN, Mr. MCHUGH, Mr. BERMAN, and Mr. FLORIO.

H.R. 4902: Mrs. COLLINS, Mr. DAVIS of Illinois, and Mr. FISH.

H.R. 4923: Mr. HAMMERSCHMIDT, Mr. SYNAR, Mr. WILSON, Mr. CHENEY, Mr. DAVIS of Illinois, Mr. COLEMAN of Texas, Mr. SMITH of New Jersey, Mr. PEPPER, Mr. CRAIG, and Mr. COURTER.

H.R. 4967: Mr. LEWIS of Georgia.

H.R. 4979: Mr. CROCKETT.

H.R. 5017: Mr. STENHOLM.

H.R. 5020: Mr. FISH, Mr. BURTON of Indiana, Mr. DE LA GARZA, Mr. ROGERS, Mr. BEVILL, Mr. BARNARD, and Mr. GALLEGLY.

H.R. 5039: Mr. MCEWEN.

H.R. 5056: Mrs. MARTIN of Illinois.

H.R. 5069: Mr. AKAKA and Mr. MILLER of Washington.

H.R. 5081: Mr. DEFazio.

H.R. 5113: Mr. HANSEN and Mr. FAUNTROY.

H.R. 5117: Mr. SAXTON.

H.R. 5146: Mr. FRANK, Mr. LIPINSKI, Mr. HOLLOWAY, Mr. FAUNTROY, Mr. EVANS, Mr. ATKINS, Mr. HARRIS, Mr. NEAL, Mr. LANCASTER, Ms. KAPTUR, Mr. SMITH of Florida, Mr. JONTZ, Mrs. BOXER, and Mr. ROE.

H.R. 5186: Mr. CHAPMAN, Mr. NEAL, and Mr. LAGOMARSINO.

H.R. 5214: Mr. RANGEL and Mr. MATSUI.

H.R. 5231: Mr. SAXTON.

H.R. 5271: Mr. CLARKE, Mr. DEFazio, Mr. FROST, Mr. GRAY of Illinois, Mr. MCCURDY, Mrs. MORELLA, Mr. MRAZEK, Mr. PEASE, Mr. RINALDO, Mr. SIKORSKI, and Mr. WOLF.

H.J. Res. 518: Mr. WYDEN, Mr. CHENEY, Mr. DONNELLY, Mr. MORRISON of Washington, Mr. DEWINE, Mr. HASTERT, Mr. DELUMS, Mr. MATSUI, Mr. LATTI, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. TAUZIN, Mr. KOSTMAYER, Mr. FAWELL, Mr. MARTINEZ, Mr. JONTZ, Mr. WHITTAKER, Mr. DYSON, Mr. COBLE, Mr. DAVIS of Illinois, Mr. MACK, Mr. PERKINS, Mr. MORRISON of Connecticut, Mr. MCCOLLUM, Mr. COOPER, Mrs. PATTERSON, Mr. RAVENEL, Mr. SHUSTER, Mr. NELSON of Florida, Mr. DORGAN of North Dakota, Mr. VISCLOSKEY, Ms. OAKAR, Mr. PORTER, Mr. GUNDERSON, Mr. LOWRY of Washington, Mr. STANGELAND, Mr. GEKAS, Mr. MFUME, Mr. RUSSO, Mr. HUNTER, Mr. LUJAN, Mr. SCHAEFER, Mr. STUDDS, Mr. DEFazio, Mr. SWEENEY, Mr. HARRIS, Mr. DAUB, Mrs. BYRON, Mr. EMERSON, Mr. GALLO, Mr. HOYER, Mr. HUBBARD, Mr. LEHMAN of Florida, Mr. LIVINGSTON, Mr. MARKEY, Mr. MARTIN of New York, Mr. MURPHY, Mr. PAYNE, Mrs. SAIKI, Mr. SPENCE, Mr. STRATTON, Mr. TAUKE, Mr. UPTON, Mr. LOTT, Mr. NOWAK, Mr. CLARKE, Mrs. MEYERS of Kansas, Mr. GRANT, Mr. FIELDS, and Mr. SMITH of Texas.

H.J. Res. 556: Mr. BILBRAY, Mr. BOSCO, Mr. BRYANT, Mr. CARPER, Mr. CONYERS, Mr. DARDEN, Mr. DELLUMS, Mr. EVANS, Mr. FLORIO, Mr. FOLEY, Mr. HAMMERSCHMIDT, Mr. KANJORSKI, Mr. LEVINE of California, Mr. LUJAN, Mrs. MEYERS of Kansas, Mr. NEAL, Ms. OAKAR, Mr. ORTIZ, Mr. RITTER, Mr. SLATTERY, Mr. MYERS of Indiana, and Ms. SNOWE.

H.J. Res. 573: Mrs. JOHNSON of Connecticut, Mr. EVANS, Mr. SCHULZE, Mr. LAGOMARSINO, Mr. TRAFICANT, Mr. TAUZIN, Mr. OWENS of New York, Mr. APPELGATE, Mr. RAVENEL, Mr. YOUNG of Alaska, Mr. BEVILL, Mr. MOAKLEY, Mr. SHAW, Ms. SNOWE, Mr. HARRIS, Mrs. PATTERSON, Mr. MURPHY, Mr. JONES of North Carolina, Mr. PACKARD, Mr. MFUME, Mr. HENRY, Mr. BERMAN, Mr. MACK, Mr. EARLY, Mr. SAWYER, Mr. ACKERMAN, Mr. WELDON, Mr. WISE, Mr. NIELSON of Utah, Mr. CRAIG, Mr. STALLINGS, Mr. ROBERT F. SMITH, Mr. JOHNSON of South Dakota, Mr. SISISKY, Mr. KASTENMEIER, Mr. WOLPE, Mr. MOODY, Mr. SPRATT, Mr. ROWLAND of Georgia, Mr. DARDEN, Mr. BATES, Mr. MORRISON of Connecticut, Mr. VENTO, Mr. MARKEY, Mr. CARDIN, Mr. RINALDO, Mr. LAFALCE, Mr. BRUCE, Mr. GONZALEZ, Mr. WAXMAN, Mr. GAYDOS, Mr. MARTIN of New York, Mr. DEFazio, Mr. BRENNAN, Mr. MCCOLLUM, Mr. DWYER of New Jersey, Mr. JEFFORDS, Ms. OAKAR, Mr. SKELTON, Mr. FRANK, Mr. HALL of Texas, Mr. ROBINSON, Mr. SABO, Mr. TRAXLER, Mr. MCEWEN, Mr. GRAY of Illinois, Mr. RHODES, Mr. SMITH of New Hampshire, Mr. THOMAS A. LUKE, Mr. PICKETT, Mr. FLORIO, Mr. BONKER, Mr. RICHARDSON, Mr. INHOFE, Mr. CLAY, Mrs. MARTIN of Illinois,

Mr. PEPPER, Ms. SLAUGHTER of New York, Mr. HAMMERSCHMIDT, Mr. KENNEDY, Mr. SCHEUER, Mr. BROWN of Colorado, Mr. KLECZKA, Mr. SPENCE, Mr. MACKEY, Mr. ANTHONY, Mr. FLIPPO, Mr. CARPER, Mr. MCCURDY, Mr. SMITH of Texas, Mr. CAMPBELL, Mr. AUcoin, Mr. DE LUGO, Mr. AKAKA, Mr. THOMAS of Georgia, Mr. FEIGHAN, Mr. HALL of Ohio, Mr. BILBRAY, Mr. GILMAN, Mr. STRATTON, Mr. MILLER of California, Mr. MCGRATH, Mr. KANJORSKI, Mr. STOKES, and Mr. BURTON of Indiana.

H.J. Res. 578: Mr. BROWN of Colorado and Mr. FISH.

H.J. Res. 595: Mr. YOUNG of Florida, Mr. CLEMENT, Mrs. PATTERSON, Mr. HOYER, Mr. WOLF, Mr. CALLAHAN, Ms. SLAUGHTER of New York, Mr. VOLKMER, Mr. YOUNG of Alaska, Mr. DEWINE, Mr. COBLE, Mr. ROBINSON, Mr. DAVIS of Illinois, Mr. MCCLOSKEY, and Mr. CAMPBELL.

H.J. Res. 598: Mr. ESPY, Mr. SAVAGE, Mr. GINGRICH, Mr. FROST, Mr. BROWN of California, Mr. BLILEY, Mr. AUcoin, and Mr. BARNARD.

H.J. Res. 603: Mr. MAVROULES, Mr. MINETA, Mr. RHODES, and Mr. CHAPMAN.

H.J. Res. 607: Mrs. BENTLEY, Mr. BLILEY, Mr. BOUCHER, Mrs. BOXER, Mr. BROWN of California, Mr. BROWN of Colorado, Mr. BUSTAMANTE, Mrs. BYRON, Mr. CARR, Mr. COELHO, Mr. COLEMAN of Missouri, Mr. CONTE, Mr. DAUB, Mr. DEFazio, Mr. DE LUGO, Mr. DIOGUARDI, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. DYMALLY, Mr. DYSON, Mr. EMERSON, Mr. ENGLISH, Mr. ERDREICH, Mr. ESPY, Mr. EVANS, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. FOLEY, Mr. FRANK, Mr. FUSTER, Mr. GONZALEZ, Mr. GRANT, Mr. GUNDERSON, Mr. HARRIS, Mr. HATCHER, Mr. HENRY, Mr. HOLLOWAY, Mr. HOPKINS, Mr. HORTON, Mr. HUCKABY, Mr. JEFFORDS, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of South Dakota, Mr. JONES of Tennessee, Mr. JONES of North Carolina, Mr. JONTZ, Ms. KAPTUR, Mr. KASICH, Mr. KILDEE, Mr. KOLTER, Mr. LANCASTER, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. MARLENEE, Mr. MATSUI, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCEWEN, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. MRAZEK, Mr. MURPHY, Mr. MURTHA, Mr. NEAL, Mr. NICHOLS, Ms. OAKAR, Mr. OLIN, Mr. ORTIZ, Mr. OWENS of New York, Mr. PANETTA, Mr. PASHAYAN, Mr. PERKINS, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROE, Mr. ROWLAND of Georgia, Mr. SABO, Mr. SKEEN, Mr. SKELTON, Mr. ROBERT F. SMITH, Mr. SPRATT, Mr. STAGGERS, Mr. STALLINGS, Mr. STANGELAND, Mr. STENHOLM, Mr. SWEENEY, Mr. TALLON, Mr. VALENTINE, Mr. VOLKMER, Mr. WALGREN, Mr. WEBER, Mr. WEISS, Mr. WHITTEN, Mr. WILSON, Mr. WORTLEY, and Mr. YOUNG of Alaska.

H.J. Res. 626: Mr. ANDERSON, Mr. APPELGATE, Mr. BUECHNER, Mr. CHANDLER, Mr. CHAPMAN, Mr. CLEMENT, Mr. COELHO, Mr. CONYERS, Mr. DAUB, Mr. DEFazio, Mr. DONNELLY, Mr. EMERSON, Mr. FOGLIETTA, Mr. FROST, Mr. HAMMERSCHMIDT, Mr. HAYES of Louisiana, Mr. HOLLOWAY, Mr. HOYER, Mr. HUBBARD, Mr. HUNTER, Mr. KOSTMAYER, Mr. LEHMAN of Florida, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. MCCLOSKEY, Mr. MAVROULES, Mr. MILLER of California, Mr. MURPHY, Mr. NEAL, Mr. NICHOLS, Mr. PANETTA, Mr. QUILLLEN, Mr. SABO, Mr. SKEEN, Mr. TAUKE, Mr. TORRICELLI, Mr. VALENTINE, Mr. WOLF, Mr. YATRON, and Mr. YOUNG of Florida.

H.J. Res. 631: Mr. AKAKA, Mr. ANDERSON, Mr. ATKINS, Mr. BERMAN, Mr. BORSKI, Mr. BOSCO, Mrs. BOXER, Mrs. COLLINS, Mr. McCLOSKEY, Mr. McGRATH, Mr. LIPINSKI, Mr. MARTIN of New York, Mr. SCHUETTE, Mr. SAVAGE, Mr. ROWLAND of Georgia, Mr. SKELTON, Mr. SMITH of Iowa, Mr. SPRATT, Mr. FAZIO, Mr. TALLON, Mr. TOWNS, Mr. TRAXLER, Mr. UPTON, Mr. WILSON, Mr. GRAY of Illinois, Mr. EVANS, Mr. FAUNTROY, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. FUSTER, Mr. GARCIA, Mr. HEFNER, Mr. YATRON, Mr. GUNDERSON, Mr. CARPER, Mr. BENNETT, Mr. BATES, Mr. LEHMAN of Florida, Mr. DYMALLY, and Mr. KOSTMAYER.

H. Con. Res. 28: Mr. MINETA.
H. Con. Res. 194: Mr. LaFALCE, Mr. BONIOR of Michigan, Mr. MACK, and Mr. McGRATH.
H. Con. Res. 329: Mrs. BOXER, Mr. FOGLIETTA, and Mr. LaFALCE.
H. Con. Res. 339: Mr. DORGAN of North Dakota, Mr. DELLUMS, Mr. SMITH of Florida, Mr. OWENS of Utah, Mr. STALLINGS, Mr. KILDEE, Mr. WOLPE, Mr. FORD of Michigan, Mr. BATES, Mr. HOUGHTON, Mr. HANSEN, Mr. BUSTAMANTE, Mr. LEHMAN of California, Mr. SHAW, Mr. PEPPER, Mrs. BENTLEY, Mr. OLIN, Mr. STANGELAND, Mr. PURSELL, Mr. SMITH of New Jersey, Mr. SOLARZ, Mrs. SCHROEDER, Mr. MAZZOLI, Mr. PETRI, Mr. MARLENEE, Mr.

SKEEN, Mr. TALLON, Mr. WHITTAKER, and Mr. CAMPBELL.

H. Con. Res. 348: Mr. GARCIA and Mrs. MEYERS of Kansas.

H. Con. Res. 362: Mr. PENNY, Mrs. LLOYD, Mr. BLAZ, Mr. CHAPMAN, Mr. RHODES, Mr. LEWIS of California, and Mr. MARLENEE.

H. Res. 487: Mr. HEFLEY, Mr. SLATTERY, Mr. DONALD E. LUKENS, Mr. ROBERTS, Mr. JONES of Tennessee, Mr. ECKART, Mr. NICHOLS, Mr. GORDON, Mr. PORTER, Mr. CLEMENT, and Mr. SHAYS.

H. Res. 516: Mr. SAXTON.

EXTENSIONS OF REMARKS

THE GREAT HURRICANE OF 1938

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. STUDDS. Mr. Speaker, next Wednesday, September 21, 1988, marks the 50th anniversary of the Great Hurricane of 1938. This storm was the most destructive in the recorded history of New England; southeastern Massachusetts alone suffered \$5 million in property damage and 69 lost lives.

In an effort to increase public awareness of the destructive powers of hurricanes, several coastal communities in southeastern Massachusetts have set aside September 21 as "Hurricane Preparedness Day." Through speeches and demonstrations, public officials will outline measures that citizens can employ to prevent threats to their lives and property in the event of a hurricane.

On Hurricane Preparedness Day, these southeastern Massachusetts communities will pay tribute to two heroes of the hurricane of 1938: Capt. Arthur A. Small, lighthouse keeper at Palmers Island in New Bedford Harbor, and his wife Mabel. I am pleased to join this tribute by sharing with my colleagues the following section of New Bedford author Everett S. Allen's "A Wind To Shake the World—The Story of the 1938 Hurricane," which describes the heroic actions of Arthur and Mabel Small.

"A WIND TO SHAKE THE WORLD"

In midharbor at New Bedford is Palmer's Island. It is about 1,000 feet long and 460 feet wide and its highest point is between 30 and 40 feet above sea level. In 1938, Captain Arthur A. Small had been keeper of the lighthouse on the north end of Palmer's island for nineteen years; he and his wife, Mabel, lived in a white story-and-a-half house on the island.

Small was an exceptional man. He began his sea career at fourteen, fished with both the Maine and Gloucester fleets, had served aboard merchant ships, coasting vessels, sealers, freighters, and packets, had rounded the Horn and been through the Straits of Magellan several times.

A likable and attractive man, a smoker of corn-cob pipes, he said once, "A trip around Cape Horn seems to have a sort of romantic appeal for landmen. I'll tell you, there's very little romance about Cape Horn, or anywhere below fifty-two south latitude, for that matter. It's cold and ugly down there . . ."

He joined the Navy in 1906 and sailed around the world in the Great White Fleet, commanded by Admiral Robley D. Evans. He served in Coast Guard vessels and in the Coast and Geodetic Survey, as well as in the Lighthouse Service, including assignments at the Narrows in Boston Harbor and at Boston Light. He was also a painter, principally of ships and the sea, and authenticity was his hallmark.

While painting an eighty-by-five-foot canvas of the clipper *A. C. Raper*, he commented, "When the picture is finished, the ship will be shown in the harbor of Hong-kong. I have two charts of the harbor there on the wall, so I'll be sure to get the coastline right and I've looked at those high blue mountains enough times to remember how they should appear as a background." He did a number of murals, including a depiction of Columbus' discovery of America for the Spanish Historical Society of St. Augustine, Florida, and once, commissioned to paint a panel for a yacht—the owner wanted Sir Walter Raleigh's fleet engaging the Spanish Armada—Small read volumes in preparation, especially so that he would get the ships rigging exactly.

Late one afternoon in the 1930's when Captain Small made his way up the spiral staircase in the Palmer's Island light tower and reached behind the barrel-shaped lens to light the oil vaporizer, which had to be warmed up before the lamp could be lighted, he remarked with amusement, "Whenever they say anything about a lighthouse keeper, they always act as if he were some kind of hero. We're not heroes. Here I am on this island, perfectly safe, working and painting pictures, while you wander around in New Bedford, crossing streets with automobiles and trolley cars whizzing by, just missing you by a few feet. Why, you people take more chances in a week than I do in ten years."

Small and his wife were alone on the island on September 21. Having been through a number of hurricanes, being weatherwise in the manner of all deep-water sailors, he knew what the heavy atmosphere and the color of the sky meant. Shortly before dark, he prevailed upon Mrs. Small to go to the oil house, the highest point on the little island, where the water was already 3 feet deep. Palmer's Island was beginning to flood; the wind was stiff, and the sea was rolling across it, burdened with all manner of lumber and driftwood.

Leaving her in the upper part of the oil house, he forced his way through the water toward the lighthouse; it was time to light the lamp. The seas knocked him off his feet; he was hurt, and was being swept overboard. He swam, but with difficulty, because of his injury.

Mrs. Small, seeing that he was in trouble, left her place of safety and ran to the boathouse. She was an excellent oarsman and was going to row to him; he was already in deeper water than she could wade in. Small, by swimming underwater to dodge the wreckage, got his footing again, and was struggling to regain the station. He could see his wife going to launch a boat and then watched in horror as a heavy sea slammed into the boathouse. It collapsed upon her. The next wave swept the building away.

"I was hurt and she knew it," Small said later. "Seeing the wave hit the boathouse was about the last thing I remember. I must have been hit by a piece of timber and knocked unconscious. I came to some hours later, but all I remember was that I was in the middle of some wreckage. Then I must have lost my senses again, for I remember nothing more."

Nevertheless, even though suffering from both shock and injury, he somehow retained strength and consciousness to haul himself back to the lighthouse, and he kept the light and the fog signal operating throughout the hurricane and Wednesday night.

At 7:45 in the morning on September 22, observing that the keeper's house and other buildings on Palmer's Island had been swept away, Captain William D. Raymond and Captain Fred W. Phillips—both close friends of Small—rowed out to the island with food. Raymond contacted the Lighthouse Service for permission to have Small relieved from duty, for the rule of the service stated: "No keeper may leave his post until relieved, if he is able to walk." Raymond and Phillips arranged for a police escort over the New Bedford-Fairhaven Bridge—closed to regular traffic because of grounded boats and debris—and they took Small to St. Luke's Hospital.

On September 23, the following letter was sent from the hospital to the Superintendent of Lighthouses in Washington:

"In reporting the destruction of and loss of building and equipment at Palmer Island Light Station, New Bedford, Mass. on September 21st, 1938, the keeper made preparations all during that day, securing everything so far as possible, carrying extra oil and lamp equipment to the tower. This station felt the full force of the gale, the seas reaching clear across the island . . ."

"Keeper swept overboard, but by swimming underwater, made the station again. Mrs. Small, the keeper's wife, was seen by the keeper while he was overboard. She left the oil house where he had told her to stay and evidently she tried to launch a boat to save the keeper, but she was swept away and drowned. . . . There is no shelter to be had at the station, except in the top of the tower."

"Keeper remained on duty until properly relieved. The light and fog signal were in good order. Keeper removed to St. Luke's Hospital suffering from exhaustion and exposure."

"(Signed) Arthur A. Small, keeper. Dictated by Arthur Small, keeper, recorded by Wesley V. Small, keeper's son."

Three days later, in Washington, Commissioner Harold D. King of the Bureau of Lighthouses described Captain Small's performance during the hurricane as "one of the most outstanding cases of loyalty and devotion that has come to the attention of this office."

E.H. Tripp of Fairhaven wrote a tribute to Mrs. Small and, implicitly, to her husband, which unquestionably reflected the feelings of many:

"A happy and courageous companion through thirty years of married life in the Lighthouse Service, in Wednesday's storm, she abandoned her refuge in an attempt to help her valiant husband, struggling for his life, to reach his post of duty and thereby lost her own."

"The manner of Mrs. Small's death shocked the community and her loss is deeply felt and mourned by her family and very wide circle of friends. A great number of people in all walks of life have visited

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Captain and Mrs. Small, the noted, as well as the obscure, and have met with a sincerely cordial and generous hospitality. Mrs. Small and her husband shared their enjoyment of people and books and art with their friends. And those who have been welcomed to the home circle and who enjoyed their company will grieve that, with the gracious mistress gone, the home is no more.

"All express their deepest sympathy for Captain Small and his two stalwart sons, Wesley and Allan. Wesley is skipper of the two-masted schooner *Adventure*, lying at Gloucester, and Allan spent the summer as one of the crew of the three-masted schooner *Sachem* of Essex, Connecticut.

"Mrs. Small's forty-eighth birthday came two days after the catastrophe. Mrs. Small was a member of the Fairhaven Mother's Club, for which she and Captain Small had given talks. Living by and on the sea and knowing full well the might of God's awful elements as well as sunshine on a sandy, rock-strewn isle, the brave wife of a brave man, casting aside all thought of self, nor by wind or tide dismayed, she tried to bring succor to her mate, who struggled in the raging flood.

"We, her friends who weep, may pause and say, 'There is no greater love than this—her dear memory to us a treasure will be always.'"

On September 30, there was a classified advertisement in the *Standard-Times* of New Bedford, which read: "Lost—in hurricane from Palmer Island, large sum of currency in canvas pouch about 6 x 8 inches. Substantial reward for return in whole or part. Wesley V. Small." In the files of the newspaper, attached to that clipping, there is a handwritten notation that reads: "Reported \$7,000-\$8,000 on Mrs. Arthur Small at time of hurricane drowning."

Captain Small visited Palmer's Island on either October 15 or 16, 1938, the first time he went there after the hurricane and perhaps the last time. He informed the Fairhaven police that he had been granted a long furlough by his superiors in order to regain his health and that he would be living in Dorchester.

About two weeks later, he wrote the following letter from Dorchester to the Superintendent of Lighthouses, Second District:

"Referring to the superintendent's letter of October 4, 1938, requesting that this office be furnished with a report listing personal effects lost as a result of the hurricane:

"The list enclosed herewith is a report covering only the outstanding items lost at this time.

"All buildings except light tower and oil house [where he had placed Mrs. Small for safety] were destroyed and carried away in the heavy sea that swept the entire reservation and all personal property was lost. None of the personal effects belonging to Mrs. Small, my wife, who lost her life as a result of this hurricane, are included in the list herewith.

Respectfully,

ARTHUR SMALL."

Essentially, what Captain Small listed was "Personal library of several hundred volumes, many out of print, and the result of about thirty years of careful selection, \$75;

"The value of the following cannot be estimated, as my personal records and data of sailing ships were sketches and notes, the result of thirty years' work and used for reference in painting the history of sailing ships, a spare-time hobby, \$100."

Two things are noteworthy. In characteristically modest fashion, Captain Small asked for no compensation for a number of his paintings that were lost in the Palmer's Island house, although, as a matter of record, his work had marketable value. Further, records in the National Archives reveal that someone, not identified, recommended he be given \$100, rather than the \$175 he had asked for.

By March 20, 1939, the *Standard-Times* reported, "That Captain Arthur A. Small, for many years keeper of the light at Palmer's Island, never will return to New Bedford in his official capacity, is the information just received by Frank Ponte, temporary keeper of Palmer's Island light, in a letter written to him by Captain Small from the Canal Zone.

"Reading between the lines of Captain Small's letter, Mr. Ponte is of the opinion that the U.S. Treasury Department has granted Captain Small a leave of absence with pay for the next two years, at the end of which Captain Small will be retired from the Lighthouse Service on pension.

"Captain Small, following the death of his wife by drowning, the loss of \$7,500, which she had with her when she attempted to save his life in the tidal flood and hurricane last September, and the injuries he sustained, was sent to the Marine Hospital at Chelsea for treatment.

"When convalescent, Captain Small was granted an indefinite leave of absence on full pay and upon his discharge from the hospital, went to Panama, where his son is employed on a millionaire's yacht."

In August of 1939, a visitor to Palmer's Island observed, "The present light keeper has a small rocky terrain, with only hurricane wreckage for company; crumbled bricks which were once the foundation of a house . . . are mute evidence of New Bedford's lighthouse tragedy."

TIME TO DUMP RATE-OF-RETURN

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. RITTER. Mr. Speaker, the Federal Communications Commission's proposed rulemaking on price caps has become an important issue before the Commission, the Congress, and the industry. I would commend to my colleagues the following article from the *New York Times*, dated July 27, 1988, entitled "A Phone Reform in Need of Support." It gives a good argument why Congress should support this idea which is currently working, in various degrees, in 28 States.

[From the *New York Times*, July 17, 1988]

A PHONE REFORM IN NEED OF SUPPORT

(By Peter Passell)

Every utility regulator who stayed awake through Econ 101 knows that standard cost-plus-a-guaranteed-profit regulation is a sure ticket to mediocre performance. But few are as determined as Dennis Patrick, chairman of the Federal Communications Commission, to find a way to keep a lid on telephone profits without deadening incentives to innovate and cut waste.

Mr. Patrick's alternative, regulation focusing on prices rather than profits, has been used in Britain, where it has reduced phone

bills by 14 percent over four years, and it could generate equivalent savings here. There is no significant interest-group opposition to the switch—most of the regulated phone companies, in fact, are supporters. Nor is it viewed as risky or impractical by the regulatory establishment: variations are being tried in 28 states, including New York. But Congressional hostility to the F.C.C. chairman and his political allies in the White House could derail his initiative.

Under "cost plus" regulation, phone companies providing interstate service are allowed to set prices that cover reasonable costs, including dividends sufficient to keep investors happy. Most customers have reason to be satisfied: service is reliable and long-distance rates are down by one-third since the breakup of A.T.&T.'s monopoly in 1984. But Mr. Patrick and many other economists are not. Rapid improvements in technology and a major shift in costs from long distance to local service, they argue, have masked the inherent weaknesses in current regulation. They say savings would have been much greater if telephone companies had incentives to minimize costs.

The F.C.C. tries to put pressure on phone companies to hold down costs and to use the best technology. As a practical matter, though, the commission is in no position to second-guess the companies' operating policies. All it can really do under the current policy is penalize the utility when the quality of service falls or profits exceed the target.

As a result the phone companies have every incentive to "gold plate" their systems with extremely reliable but excessively costly equipment. And they have little incentive to root out waste, or introduce more efficient technology; any savings will end up in customers' pockets.

Thanks to improvements in technology, costs in the federally regulated portion of the phone business have been falling at about 2.5 percent annually. With the right incentives, Mr. Patrick says, the companies should be able to do much better over the next four years. Under the "price cap" approach, phone companies would have considerable flexibility in setting the prices for individual services as long as average prices, adjusted for inflation, fell by at least 3 percent annually. In return, the companies could keep the fruits of any additional cost reductions.

The extra half percent gain in productivity would save consumers about \$1.6 billion in four years. The commission would still keep track of phone company profits, and if it appeared the phone companies could do even better than 3 percent, the required rate reduction would be increased.

The potential political bombs in the proposal have been defused by limiting the companies' ability to adjust some prices. They would not be allowed, for instance, to reduce long-distance rates between cities while raising charges for rural customers. In fact, no rate could go up or down by more than 5 percent annually without specific justification.

Why, then, has the proposal been greeted so coolly on Capitol Hill? Partly because Congress was burned by the political fallout from the breakup of Ma Bell and is eager to duck further controversy over telephone regulation. Partly because legislators are suspicious of any regulatory change that has the support of the regulated. Mostly though, because Mr. Patrick and the Reagan Administration angered key Democrats by engineering the repeal of the F.C.C.

Fairness Doctrine, the requirement that broadcasters air contrasting viewpoints on political issues.

The F.C.C. chairman does not need explicit Congressional approval for rate-cap regulation. But he does need support from a majority on the commission, and Congress is not about to help him. Two of the commission's five seats, set aside by statute for Republicans, are vacant. The Reagan Administration nominated replacements last fall, but Senate Democrats have yet to examine their credentials. Thus, Mr. Patrick must win the approval of one of the two Democrats who serve with him.

Commissioners Patricia Diaz Dennis and James Quello are Reagan appointees and both supported repeal of the Fairness Doctrine last year. But they have strong ties to Congressional Democrats, and may be reluctant to vote for any major change in regulation proposed by Mr. Patrick in the twilight months of the Reagan Administration. Price-cap regulation, which has no real enemies, may languish for lack of friends in the right places.

COMMON SENSE ON MAN'S BEST FRIEND

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. DORNAN of California. Mr. Speaker, one of my constituents, Ms. Sunnie White, wrote me a disturbing letter concerning the number of dogs that are left unclaimed at local shelters. Many of the animals were abandoned or simply lost; but in any case, the animals were in search of a loving home. If a home isn't found, then, for lack of space, they are put to sleep.

Ms. White suggests that when a family decides to buy a pet dog for the family that they should look first to the local animal shelters. It is the best place to find that special, all-American dog. I encourage all my colleagues to read Ms. White's letter and share her thought with their own constituents.

DEAR MR. DORNAN. By the time you receive this I will have made a life-death decision.

I am feeling driven to get the word out about a terrible injustice. I had recently started thinking about getting a puppy. We finally bought our own house and my children are five and six. The time is right for us to finally get a dog. So I started looking around and thinking about what kind of dog I wanted to get. I had decided I wanted a nice purebred dog (why not, it was going to be in the family a long time and there were two breeds I really love.) So to see several dogs and decide on "a breed", I went to the local animal shelter. Not to get a dog right then, but just to look. I have been back every day for a week and cannot sleep.

I am shocked at the number of unclaimed animals at the pound. These are loving, beautiful family pets that have been betrayed. They are not just sick or untrained or mixed breed animals. Many-many maybe ¾ of the dogs there were purebred beautiful dogs. I had my children with me and many loved children and relished every moment of attention. So I cannot justify—not getting a dog from there. Even if I do still want a certain breed—it's there. I can't

justify having to have a puppy (although there are many puppies at the shelter) because there are dogs there only 1 or 2 years old that adore my kids and I have no doubts about them being great, loving family dogs. There are so many I can't believe someone is not grieving desperately over.

I have scanned all the papers looking for "lost" ads for several, without any luck. These beautiful sweet animals are now homeless and on death row. As I looked through the paper I found that on any given day there are 3 columns of ads for dogs (cats) for sale and most are people that have bred their AKC dogs. Sure it is cute to have puppies (and kittens) and many people are making a lot of money selling these puppies (kittens) to people like me who wanted a certain breed. But please consider that for every puppy they sell one of these (true friends) could have had that home and is this same animal shelter the fate of the puppies they are bringing into the world. They think not because they are purebred, or the people they are selling them to are paying a lot of money for the dogs. But one trip to the animal shelter will prove them wrong.

We need to limit the number of puppies and kittens being bred each year—somehow—some way. People should not be breeding these animals for profit at the animal's expense. Please I urge anyone who is thinking of getting a dog or cat; to give it loving home; please check your animal shelters. Even if you do really want a certain breed it will be there, keep checking. You will feel so much better saving one's life; than putting another dollar in someone's pocket. The cost of getting any animal from the shelter is only for shots, license and registration (which you need with any bought pet.) Plus you get a free vet check and a refund for having the pet neutered (if it isn't already).

I can't save them all and by Monday I will be deciding which dog I will adopt and which dogs I cannot save. It breaks my heart that after being treated as prisoners they are still devoted and giving unconditional love to humans and yet maybe ¼ will be claimed. I realize many of the people breeding these dogs do love their dogs but please go the pound and see what I mean before you do. You won't believe it! Please urge people who are seriously looking for love to check their animal shelter. It's overflowing.

Sincerely, a distraught animal lover.

SUNNIE WHITE.

MARKING THE 100TH ANNIVERSARY OF THE HUNTINGTON FIRE DEPARTMENT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. CONTE. Mr. Speaker, voluntarism and valor are two qualities that Americans have admired. When these virtues work together for the common good of our Nation and our communities, they have met with tremendous success. Our volunteer fire departments exemplify this success. It is with great respect, Mr. Speaker, that I honor the Huntington Fire Department as it celebrates its 100th anniversary. This event was commemorated Sunday, June 19 with a parade through the town, in which I was fortunate enough to participate,

and a few other special activities including an appreciation night to honor the town's long-time fire fighters.

The 38 volunteers who serve Huntington as fire fighters have dedicated themselves to ensuring the security of the lives and property of their own neighborhoods, selflessly placing their own safety at risk in doing so. These individuals respond to about 32 fires a year. Their commitment of time and effort away from family and work typifies the true meaning of community service.

The Huntington Fire Department has been in existence informally since 1872, but 1888 marked the beginning of a new era: a transition from "bucket brigades" to mechanical equipment. In 1888 the department consisted of 12 men who pulled a single hose cart to fires around town. Now the department boasts 5 engines and another is on the way.

I would like to personally acknowledge Fire Chief Peter Webb, a 21-year veteran, and Pam Donovan-Hall, a local historian, who are responsible for researching the history of the department. They are currently compiling the whole history in a small book or pamphlet. The townspeople of Huntington will then have their interesting history preserved for future generations.

I would also like to acknowledge the dedication of retired Fire Chief Gordon Fish who acted as parade marshal on June 19. Mr. Fish was a member of the Huntington Fire Department since 1952 and chief from 1970 to 1979. The Huntington Fire Department is composed of some of the finest citizens I've ever known. I was proud to witness the enthusiasm of the Huntington citizens as well as the surrounding communities.

Mr. Speaker, I wish again to congratulate the Huntington Fire Department as it celebrates its 100 years of dedicated service. May they have many more safe and successful years ahead.

COMMEMORATE THE 100TH ANNIVERSARY OF THE FOUNDING OF THE HIGHLAND PARK COMMUNITY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. ROYBAL. Mr. Speaker, I rise today to commemorate the 100th anniversary of the founding of the Highland Park community. As a community within the city of Los Angeles, Highland Park has distinguished itself with a unique and proud heritage.

The Highlands as they were called in the 19th century, stretched from the mouth of the Arroyo Seco in the north, to the banks of the Los Angeles River in the south. In the 1870's the land on which the community now rests was primarily grazing land for sheep operated by Don and Dona Miguel Goldaracena. The Highlands were self-contained, growing their own agricultural products and raising their own stock.

The boom of Highland Park came with the arrival of the railroad. In 1885, a bridge was constructed across the Arroyo Seco bringing

many easterners to California. The fare from Missouri to Los Angeles was said to be \$1. Then in 1890, Mrs. Tempe Sarah Rodgers and 100 families from Texas traveled by wagon train to California, settling in the Highlands. The community quickly began to take shape with the residents voting to create a library and establishing a school for their children in Miller's Hall.

In 1898, the Highland Park community was annexed into the city of Los Angeles. Many cultural landmarks have developed from this era, including the home of former city editor of the Los Angeles Times and city librarian, Mr. Charles Fletcher Lummis. Occidental College was created in the latter part of this century with its classic architecture. The Casa Adobe and the Southwest Museum now stand as remnants of this early era.

In 1906, Los Angeles' Big Red Car rolled through the community on its way to Pasadena and a few years later a cable car was built to the top of Mount Washington, transporting passengers to the elegant Mount Washington Hotel. The community was damaged in the floods of 1914, but worked together to build itself up, each resident helping one another during that difficult period of time.

In 1925, the Northeast Police Station was built, providing the community with a valued resource to protect life and property. The transportation link which sealed the future prosperity of the Highland Park community was completed in 1940: the Arroyo Seco Parkway. Today, we know it as the Pasadena Freeway, the oldest freeway in the Los Angeles area.

The community began to grow at a tremendous rate, mixing people from all walks of life. It was this foundation which has produced the current progressive community that we see today. Many clubs and civic organizations flourished then and are thriving today, largely due to the spirit and pride that residents have for their community.

If time permitted, I could continue into the night with the many achievements and landmarks that abound in this community, however, I will refrain for now.

In summary, I must conclude that I have always been proud to represent a community so rich in cultural heritage. I am confident that the Highland Park community is ready to lead the way into the 21st century.

NO MORE MONEY FOR HOSTAGES

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. ASPIN. Mr. Speaker, the Subcommittee on Legislation of the House Permanent Select Committee on Intelligence is nearing a critical phase in its work investigating the Iran-Contra Affair. They have crafted a bill to rein in the President's power to conceal covert actions from congressional leaders that may soon be up for consideration.

H.R. 3822 will close loopholes in current legislation that allowed the administration to conceal details of the arms-for-hostages deal

indefinitely. The other body has passed a similar measure and the House should do the same.

I would like to commend the Honorable MATTHEW F. McHUGH, chairman of the Subcommittee on Legislation, for his work developing and promoting the bill. His persistent efforts are helping us to apply the lessons of the Iran-Contra Affair to the statutes in order to reduce the chance it will happen again.

I ask that an article he wrote recently to explain the gist of the bill be inserted in the RECORD.

[From the Christian Science Monitor, Aug. 31, 1988]

PREVENTING IRANGATE RERUNS

(By Matthew F. McHugh)

The United States House of Representatives will soon consider the Intelligence Oversight Act of 1988, a bill to implement the major legislative recommendations of the special Iran-Contra committees. It is similar to a measure recently passed in the Senate with strong bipartisan support.

The bill reaffirms current law, which requires the president in most cases to notify the House and Senate Intelligence Committees before undertaking a covert action, such as the secret arms sales to Iran. It then provides for an exception permitting the president to dispense with prior notice "when time is of the essence"; in such cases, however, the president must inform the committees "as soon as possible", but in no event later than 48 hours after the covert action has been authorized.

When President Reagan embarked upon his weapons sales to Iran, he told no one in Congress before or after the fact. The policy became known more than 10 months later only because a magazine in the Middle East published the details.

In our democracy, where policy-making is the shared responsibility of the president and Congress, no president has the right to make and conduct policy in total secrecy. It violates the right of Congress to know and undermines the trust and confidence that are essential to the effective conduct of American foreign policy. As the Iran case amply demonstrates, if the secret policy directly contradicts the nation's public policy, loss of trust and confidence can be particularly serious.

The Iran case also illustrates why prior notice to relevant members of Congress can be of practical importance to a president: If Mr. Reagan had told the Intelligence Committees that he planned to sell arms to Iran, they surely would have urged him not to proceed; he might have been dissuaded from a policy that damaged the nation and his credibility.

Current law permits a president to dispense with prior notice, but then notice of the covert action must be given "in a timely fashion." When this exception was debated by Congress in 1980, its authors clearly indicated that it should apply only where time was of the essence and the president believed immediate action was necessary. There was no intent to allow a president to keep Congress in the dark indefinitely.

Yet, the administration claims that the current law gives a president discretion to withhold notice for as long as he deems appropriate, even for more than 10 months; timely notice is whatever the president says it is. If Congress allows this interpretation to stand, a future president may keep an important policy decision from Congress for

any length of time and for any reason, including political expediency.

The pending bill would correct this unreasonable permissive interpretation of current law by spelling out Congress' original intent: Prior notice can be dispensed with only where time is of the essence, and then notice must be given as soon as possible but no more than 48 hours after the covert action is authorized.

Some critics argue that this would deprive the president of his ability to conduct covert actions. On the contrary, the president could still initiate covert operations without prior approval. He would simply have to give prompt notice to certain key members of Congress.

The administration and other critics contend that this runs the risk of a leak that could jeopardize lives. To address this, current law and the pending bill permit the president in particularly sensitive cases to restrict notice of a covert action to just eight members of the congressional leadership. But this is still not restrictive enough for the critics; they believe the president should be able to exclude all members of Congress.

This is unreasonable and dangerous. There are many executive-branch officials who know about covert actions. Are they inherently more trustworthy than the congressional leadership? In the Iran arms case, the administration kept the Speaker of the House and the Senate majority leader in the dark, while trusting Ayatollah Ruhollah Khomeini and privateers like Manucher Ghorbanifar, Richard Secord, and Albert Hakim. The only ones misled were the American people and their elected representatives.

Congress cannot legislate good judgment. But by clarifying what is meant by timely notification in these cases, it might help to promote meaningful consultation and cooperation between the branches. There is no guarantee that future policy decisions will be sound, but such cooperation improves the odds and keeps faith with our constitutional form of government.

HOW TO HANDLE NEW YORK'S SLUDGE

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. KOSTMAYER. Mr. Speaker, within the next few weeks Members of the House will be considering important legislation that would forever ban the dumping of sewage sludge into our oceans.

As we take this important step toward ending the degradation of our marine environment, it is vital that we also work to ensure that we don't simply transfer our disposal problem from one ecosystem to another. In other words, we must ensure that we are not guilty of that which we are so often accused—making the cure worse than the disease.

In this vein, I would like to commend to my colleagues an op-ed article from the August 27 New York Times, which was written by my distinguished constituent, Ms. Lettie Gay Carson. As Ms. Carson points out, sludge is currently used, albeit on a limited basis, as a fertilizer on nonfood crops, ornamental gar-

dens, shrubs, grass, and forest lands. Other land applications are constantly being developed. In my own State of Pennsylvania, sludge is composted with other materials and used to help reclaim abandoned strip mines.

Mr. Speaker, it seems to me that land application of sewage sludge provides an opportunity for our Nation to finally begin putting our wastes to useful purposes. I hope my colleagues will take the time to read Ms. Carson's most thoughtful piece.

HOW TO HANDLE NEW YORK'S SLUDGE (By Lettie Gay Carson)

Like many politicians who are in office, Mayor Koch likes things the way they are. More than a decade ago, he was offered an alternative to ocean dumping for New York City's sewage sludge. But then, as now, he dodged his responsibility for safe, nontoxic sewage disposal.

The alternative, proposed in 1977 by the Harlem Valley Transportation Association, was approved by the United States Environmental Protection Administration, the Department of Agriculture's Research Center, the New York State Department of Environmental Conservation and Cornell University.

It involved moving the city's sludge by rail to a point in southeastern Columbia County where it would be converted by a simple process into odorless, friable compost, a valuable soil conditioner. The project offered spectacular benefits to the economy and the soil in a vast farming area and an advanced solution to the waste disposal problems of New York City.

Upstate townships put up \$500 each to match state and Federal funds then available to compost sewage sludge to apply on the land. Pawling, Dover, Amsterdam and North East in Dutchess County, Ancram in Columbia County and the village of Millerton all cooperated in an effort to provide freight revenue for the Harlem rail line and a valuable organic fertilizer for the renewal of farmland.

There has been some concern about using sludge on the land because of the fear of the "take-up" of poisons into the food chain and the contamination of water supplies. These are valid fears if sludge is not managed properly. But successful programs in states like Illinois and Ohio have demonstrated that through proper soil management and public education sludge applications do not harm the environment. They improve it.

Take-up of harmful metals can be controlled through managing the pH of the soil. Take-up occurs much more readily in acid soil than in alkaline or neutral soil. Sludges tend to be alkaline, because lime is added in the filtration process at the treatment plant. This means an additional advantage to the usually acid soils of New York State.

Still another benefit from land applications of sludge stems from chelation—the binding effect of organic molecules on heavy metals. Tests at the University of Illinois showed that the amount of the heavy metal cadmium is actually reduced in a field by spreading it with sludge. Because local farmers use chemical fertilizers that are high in cadmium, New York soils undoubtedly would benefit from sludge applications.

Environmental scientists have frequently pointed out that there are just three ways to go with any waste product: Dump it in the ocean or some other water, burn it (and the worst of the heavy metals vaporize and

pollute the air), or spread it out on the land where it can be exposed to sun and air under careful management.

So what happened to the Harlem Valley composting project? With the research in place, the backing of all levels of government and an offer by New York State to buy the rail hopper cars, legislation was introduced to fund Cornell University's sludge-composting demonstration project on the Harlem rail line.

It seemed that all signs said "go" especially as New York City was facing an Environmental Protection Agency deadline for getting out of the ocean by 1981.

But the Koch administration said it was just easier to go on dumping in the ocean—and get away with it.

What next? The Harlem Valley composting project is still viable. The Harlem rail right of way is still intact. All that is needed is the vision and the will.

Those who know Mayor Koch have reasonable doubts that he will act responsibly and stop ocean dumping. But even if he does, will incineration be the next choice? Perhaps what is needed is Federal legislation that will apply to all cities, requiring composting and land applications where feasible.

ALL 50 STATES SHOULD HAVE CAPITAL PUNISHMENT FOR MURDER

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation that would deny Federal law enforcement funds to States that do not have in effect a law requiring the death penalty or life imprisonment without parole for those convicted of first degree murder or murdering a law enforcement officer.

Mr. Speaker, I am repulsed by the fact that cold-blooded, vicious murderers are housed, fed, clothed, and protected for the rest of their lives at the expense of honest taxpayers. According to the U.S. Bureau of Justice Statistics, only about 24 percent of convicted cop killers—from 1974 to 1983—received the death penalty. Almost half—48.5 percent—were sentenced to life in prison—which carries with it an average of less than 6 years of actual time served in prison. This is an outrage and a disgrace. The lives of our brave law enforcement officers are certainly worth more than that. Cold-blooded murderers should be put to death—period.

We spend more money on those convicted of first degree murder in this country than we do on the homeless. Something is wrong here. All too often we bend over backward to protect the rights and lives of these murderers while casting aside or giving lip service to the rights of their victims and their families. The time has come to be just as tough on the criminals as they are on us. The bill I am introducing today would provide those States that do not have capital punishment with a reason to rethink their position.

The Federal Government should do everything it can to get all 50 States to adopt a capital punishment statute. My bill would do just that.

At this time, I would like to insert a copy of the bill into the RECORD:

H.R. 5308

A bill to prohibit law enforcement Federal financial assistance to States that do not have in effect a law that permits imposition of the death penalty, and requires imposition of the death penalty or life imprisonment without parole, for any conviction of premeditated murder and for any conviction of murdering a law enforcement officer under certain circumstances

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON FEDERAL FINANCIAL ASSISTANCE TO STATES FOR LAW ENFORCEMENT.

Notwithstanding any provision of law (including any law enacted after the date of the enactment of this Act), Federal financial assistance for the prevention or reduction of crime, or the enforcement of criminal laws, may not be provided to any State that does not have in effect a law that permits imposition of the death penalty, and requires imposition of the death penalty or life imprisonment without parole, for—

(1) any conviction of premeditated murder, and

(2) any conviction of the murder of a law enforcement officer—

(A) while such officer was engaged in carrying out official duties,

(B) because of the nature of the official duties of such officer, or

(C) because such officer was a law enforcement officer.

SEC. 2. DEFINITIONS.

For purposes of section 1—

(1) the term "law enforcement officer" has the meaning given it in section 1203(5) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), and

(2) the term "murder" means the unlawful killing of a human being with malice aforethought.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect 2 years after the date of the enactment of this Act.

UKRAINIAN MILLENNIUM CELEBRATED IN THE LEHIGH VALLEY OF PENNSYLVANIA

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. RITTER. Mr. Speaker, it is with a deep sense of reverence that I direct the attention of the House of Representatives to the major celebration which the Lehigh Valley Ukrainian Millennium Committee has prepared for this September 18, 1988. The composition of this committee, comprised of clergy from seven churches, combining Ukrainian Orthodox and Ukrainian Catholic churches throughout the Lehigh Valley, demonstrates the ecumenical spirit of our area and the significance of this event.

Volodymyr the Great, Prince of Kiev, introduced Orthodox Christianity to Ukraine in 988 a.d. and today, in 1988, it is a cause of great joy to mark the millennium with liturgy, music,

dance, dramatic reading and this beautiful banquet. The dance troupe Kazka will perform a most fitting dance which symbolizes welcoming and includes bread and salt—essential elements of hospitality. It is also appropriate that Fr. William Czekaluk will preside over introductions and that Bishop Vsevolod will be present for the joint Moleben service celebrated by all three Ukrainian Orthodox and Catholic jurisdictions.

Yet, as we rejoice, it is sad to note that the Soviet authorities have outlawed Ukrainian churches in Ukraine. For over 700 years all Ukrainian churches, Orthodox and Catholic, maintained their independence. In fact, it was the Ukrainian Orthodox Church which founded the orthodox churches in Russia, which is now referred to as the Russian Orthodox Church. Today, after the liquidation of much of the leadership of Ukrainian churches by Soviet authorities in the 1930's and the forced incorporation of Ukrainian churches into the Russian Orthodox Church after World War II, there are no legal Ukrainian churches in Ukraine. The services we have all heard about in the Soviet Union, marking the millennium of Christianity in Ukraine, are taking place in the Russian Orthodox Church. It is my hope that the Ukrainian churches that flourish in the free world may one day be replanted in their native Ukraine and that all Ukrainians will once again have the freedom to worship and serve God freely.

Mr. Speaker, the millennium sheds a magnificent light on the union which all nations strive for in peace and strength. Ukrainians are a devout and God-fearing people that we can all be proud to have as part of our great nation. May we all share with them in their joy during this millennium celebration.

SOUND ANALYSIS FROM CONSUMER ALERT

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. DORNAN of California. Mr. Speaker, I know that many of my colleagues are anxiously awaiting the recommendations of the National Economic Commission. As you know, the NEC was formed to explore ways to combat the budget deficit without undermining economic growth.

The NEC has asked all interested parties to submit written remarks outlining the best way for the Commission to comply with its mandate. Barbara Keating-Edh of Consumer Alert, a nationwide organization which provides consumers with information enabling them to make informed judgments in the marketplace, has submitted some excellent remarks that I would like to share with my colleagues. Barbara is a good friend who has been a leader in the crusade for lower taxes for many years. She has been in the forefront of consumer advocacy, not as some preregulation liberal, but as an advocate for free-market policies that enhance our standard of living. She is truly a friend of the consumer.

Consumer Alert has written that taxes—especially excise taxes—must not be raised, but that spending should be curtailed. I concur

with this conclusion and ask all my colleagues to take a moment and read Consumer Alert's sound analysis, which I am submitting for the RECORD.

WASHINGTON, DC,

July 21, 1988.

Re. Fed. Reg., June 14, 1988, Request for comments.

Subject: Recommendations to reduce federal deficit.

HON. DREW LEWIS,

HON. ROBERT S. STRAUSS,

Cochairman, National Economic Commission, Washington, DC.

GENTLEMEN: Consumer Alert is a nationwide membership organization founded in 1977 to provide consumers with information that will enable them to make informed judgments in the competitive marketplace.

We are convinced that competition by various industries for the consumer's dollar is wholly beneficial, providing the buyer with the power to regulate the marketplace to his own advantage.

Inasmuch as government manipulates or interrupts this voluntary exchange, it is responsible for increased costs and limited consumer choice.

Taxation imposed upon certain selected consumer goods has the negative impact of distorting the market, harming some consumers more than others by making some commodities, such as gasoline, more expensive than they would be ordinarily. In addition, raising taxes to solve a deficit created by excessive government spending contributes to the gluttony, and increases the appetite for even greater spending.

Therefore, we urge the Commission to refrain from consideration and recommendation of the imposition of a motor fuel tax or any other tax which is considered unlikely to be noticed by the American public.

A tax increase, even one not protested loudly by the citizenry, is every bit as deleterious to the overall economy. Taxes are regressive negatively impacting on everything from consumer spending to employment, business expansion, individual saving and capital investment. Ultimately, increased taxation lowers production and limits the expansion of industry and the birth of new businesses which would in turn, increase government revenues. Ultimately tax increases of any kind signal Congress to increase overall spending.

We in particular oppose an increase in fuel taxes from the consumer perspective and point out that, if imposed, the burden would rest most heavily on those motorists who are least likely to be able to afford it, the middle to low income consumer who needs an automobile to drive to work.

Though mass transportation may suffice for such workers in many of our larger cities, the great majority of Americans live in communities where comprehensive transit systems are not available and so, rely on their automobiles to get to and from work each day. At this time, these motorists are strained to the limit with increasing automobile insurance premiums, rising registration and environmental and safety inspection fees as well as higher bridge and other road toll fees. In fact reasonable gasoline prices is about the only good thing American motorists enjoy right now. It would be a serious mistake for government to snatch that away through the imposition of higher fuel taxation. We are already paying nearly 24 cents a gallon in gasoline taxes now!

In addition to the harm that would befall individual motorists if such a tax should be

imposed, small business consumers, would be adversely affected. We hasten to point out to the members of the Commission that it has been the tenacity of America's small business that has provided our nation with continued economic growth in the face of a rising national trade deficit.

American farmers too, who are just beginning to recover from various economic woes and for whom gasoline and other motor fuels are essential would be seriously harmed by a tax increase. Likewise, increasing the operating costs of the trucking industry will be borne by consumers in higher prices on all commodities transported on our nation's highways.

We strongly urge that the commission reach the only honest, fair and reasonable conclusion possible, and that it submit a recommendation to reduce government spending across the board rather than singling out specific consumer products or services for increased taxation, as a means of tackling government incurred debt.

The remarks contained herein are provided on behalf of the members of Consumer Alert, individual consumers residing in all fifty states, and have been prepared by the signer below who presides over the organization's affairs and who is solely responsible for its content.

Consumer Alert is a non-profit research/education foundation and represents no business or profit seeking interests. The organization is primarily funded by voluntary dues paid by its members and from the sale of its publications as well as by foundation grants.

Sincerely,

BARBARA KEATING-EDH,
Consumer Alert.

HONORING JAMES J. CONWAY ON HIS RETIREMENT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. CONTE. Mr. Speaker, I rise today to commend one of my constituents, Mr. James J. Conway. Jim Conway retired recently, following 38 years of dedicated work at O'Connell Engineering & Financial, Inc., in Holyoke, MA. Jim Conway's engineering expertise and leadership as vice president of O'Connell Engineering & Financial, Inc., have been evident in various projects throughout Massachusetts' first district.

Among Jim Conway's many works are the Holyoke Power Plant, Holyoke Community College, McKinley House, and Prospect Heights; to name just a few. He was also instrumental in construction of housing for the elderly. His peers have commended Jim on his ability to produce outstanding and efficient work.

Jim Conway's dedication to his family can be attested to by his wife, Sally Anne, and thirteen children. Whether it was raising his family or planning new buildings, Jim has always lead a full and busy life. The Conway family finally had the opportunity to watch Jim pause for a moment and accept the special recognition that was bestowed upon him in Holyoke.

There is no doubt that this outstanding individual has lead a full life. Jim showed incredible stamina in World War II when he was first lieutenant in the 8th Air Force. The bomber he was flying was shot down over Berlin, forcing him to spend a year in a German prison camp.

With that tragic event behind him, Jim returned to the United States where he began teaching engineering extension courses. Over the years, Jim started many young engineers in the right direction. Whatever the situation, Jim Conway always met the challenge.

Mr. Speaker, in recognition of Jim Conway's significant contribution to Holyoke; Holyoke, MA, has honored Jim by proclaiming July 7, as "Jim Conway Day." He is truly deserving of this honor, for it is citizens like Mr. Conway who make Massachusetts' first district proud. I would like to commend him on a job well done.

ROBERT MCINTYRE, LOS ANGELES BUSINESS AND COMMUNITY LEADER, RETIRES

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. ROYBAL. Mr. Speaker, today I rise to say a few words in tribute to an extraordinary man upon his retirement. First, I should point out that even though he will be leaving the company he has served for the last 36 years, he will be continuing a career in community service that would keep a dozen people busy.

In Los Angeles, we best know Robert M. McIntyre as the chairman of the board and chief executive officer of Southern California Gas Co. Under his leadership, the Nation's largest gas company provided services to more than 4 million customers while remaining sensitive to the concerns of California's ethnic and racial minorities. He has been recognized with the Outstanding Businessman Award from the National Association for the Advancement of Colored People; the Corporate Responsibility Award from the Mexican American Legal Defense Education Fund; and the Pacific Pioneer Award from the Japanese American Cultural and Community Center.

As an individual and citizen of southern California, Mr. McIntyre's record has been no less impressive. He is an appointee to the Commission on the Californias, a director for the National Conference of Christians and Jews, and serves on both the United States Chamber of Commerce and the United States-Mexico Chamber of Commerce. He and his wife are also active in community affairs in Newport Beach, where they reside.

Mr. McIntyre's personal interests have involved him in community leadership in a broad range of activities. In the arts, Mr. McIntyre is a member of the President's Circle of the Los Angeles County Museum of Art, a director of Orange County Performing Arts Center, co-chairman of Plaza de la Raza Advisory Committee, and a member of Los Angeles Music Center Founders. Mr. McIntyre is also actively involved with several area medical and educational facilities.

Bob McIntyre has been honored by several national and Los Angeles area groups for his service as a businessman and supporter of many worthy causes. He richly deserves such recognition, as his efforts help make southern California a better place to live for everyone. Even though I know he will remain active in community projects after retirement, I hope that he will now take some time to enjoy the things he has worked to bring to others.

TRIBUTE TO NEW JERSEY ASSEMBLYMAN WILLIAM J. PASCRELL, JR.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. ROE. Mr. Speaker, it is with the greatest pride and admiration that I rise today to pay tribute to a New Jersey State assemblyman who I am proud to say, lives in my Eighth Congressional District of New Jersey, and who has been an outstanding community leader for nearly three decades. I am speaking of the Honorable William J. Pascrell, who represents the 35th State Legislative District of New Jersey.

For his multitude of accomplishments and contributions to his community, church, profession, and to the field of education, Assemblyman Pascrell will be honored at an event being held by St. Gerard's Church of Paterson on Saturday, October 8, 1988.

Mr. Speaker, I believe this tribute is indeed fitting for someone like Bill Pascrell who has made such a difference to his community. Bill was born in Paterson and attended St. George Elementary School and St. John Cathedral High School before going on to Fordham University where he received his bachelor of science degree in communication arts and his masters degree in philosophy.

Bill Pascrell began his career as an outstanding teacher, and taught on many levels. He taught history, psychology, English, and civics at Paramus High School and Paramus Adult School, as well as philosophy at Fairleigh Dickinson University. In 1974 he left teaching for public service, serving for 3 years as director of the Paterson Department of Public Works.

His leadership in the department of public works led to his becoming director of the department of policy planning and management in the Paterson mayor's office. During his decade long tenure in this critical position, Bill Pascrell oversaw the completion of a number of important projects including economic development of Paterson's famed historic district, the Great Falls hydro-electric project, the establishment of cable television in Paterson and a number of job development programs. Bolstered by this record of achievement, and by this strong community activism, he was elected to the New Jersey Assembly in late 1987 where he serves today.

But Assemblyman Pascrell's professional background tells only a small part of the story, for the list of organizations with which he has been involved and to which he has contributed is, indeed, long. He has served as a

member and president of the Paterson Board of School Estimate, the Paterson Planning Board, the Commission on Secondary Schools for the Middle Atlantic States Association, the Passaic County Citizens Drug Abuse Council, the Pat Mone Association, the Italian-American Federation, the Paterson Oldtimers Association, the Paterson Taxpayers Association, the Alfano Association, Lodge No. 60 B.P.O.E. of Paterson, Knights of Columbus of Paterson, the Riverside Veterans, Inc., and the New Jersey School Boards Association.

Bill, who is the long time chairman of the Passaic County Democratic Organization, also served as chairman of the Ad Hoc Committee for Passaic County Community College, as Paterson's representative to the 1976 Bicentennial, as chairman of the Paramus High School Curriculum Committee, as president of the Italian American Association of Fordham University, and as adviser to numerous student groups at Paramus High School. He was also chairman of the educational committee for the Paterson Coalition, the Fund for Earthquake Relief of Italy, the March of Dimes Walkathon—1980 Historical Walk, and as the 1985 fund campaign for the Passaic County Chapter of the American Cancer Society.

Mr. Speaker, as you can well imagine, the Honorable William J. Pascrell, Jr., for his multitude of contributions, has received numerous honors from the community and civic groups he has served. On five separate occasions he was named man of the year by organizations that included the Federation of Italian Societies, the Mother Cabrini Society, the Paterson Area Chapter of UNICO, the John Raad Post of American Legion, and St. Gerard's Parish of Paterson.

I know that Bill's lovely wife, Elsie, and his three sons, William III, a law student at Seton Hall University, and Glenn and Joseph, twins who are juniors at Fordham University, are most certainly proud of his many honors, accomplishments, and contributions, as am I.

Mr. Speaker, I invite you and my distinguished colleagues to join me in paying tribute to an outstanding individual whose many contributions have made his community, the State of New Jersey, and our Nation a better place to live—the Honorable William J. Pascrell, Jr., of Paterson, NJ.

TRIBUTE TO RUTH MARCH

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. HAWKINS. Mr. Speaker, I would like to take this opportunity to recognize the inspirational efforts of Ruth March of Los Angeles, CA. Particularly in light of the recent passage of House Concurrent Resolution 61, entitled "Volunteers and the Importance of Volunteerism." Ms. March has long been an advocate of the contribution of volunteers in the United States. Since the early seventies she has spearheaded an effort to focus local and national attention on the value of the work of American volunteers.

Since 1971, she has been responsible for encouraging more than 2,000 public and pri-

vate sector employers to recognize relevant volunteer experience by providing a space for a listing on application forms as well as considering it in their final hiring decisions.

Ms. March's efforts on behalf of volunteers began in the early 1970's, when wives of unemployed space engineers were seeking part-time and shared jobs. When these women attempted to include their unpaid volunteer experience on application, forms, potential employers often asked "but do you have any real experience?" This common occurrence launched Ruth March on a campaign on behalf of volunteers which has spanned almost two decades. She was aware that a major attitudinal change would have to take place on the part of employers in order to change their image of volunteers and the valuable work they do.

Ruth March began a drive to persuade organizations and businesses to consider and recognize volunteer experience when selecting professional employees. She received the endorsements of the U.S. Chamber of Commerce, the U.S. Conference of Mayors, the International Personnel Management Association, and the National Association of Manufacturers. In 1985, she enlisted the aid of Senator GRASSLEY, Senator DECONCINI and myself to introduce legislation encouraging the recognition of volunteer skills on job applications and in hiring practices in the public and private sectors.

Ms. March is the vice president of the International Association for Volunteer Effort and is its representative to the United Nations, serves on the board of directors of Involvement Corps, Inc., and a national adviser to the Association of Junior Leagues. Past activities include extensive involvement with the Los Angeles Olympic Organization Committee, member of the board of the Los Angeles Ballet, and the L.A. County/USC Medical Center Auxiliary.

Among many other volunteer projects, her accomplishments include the development of the East Los Angeles Parent/Volunteer Program, the Nation's first school volunteer program. She helped make available para-medical tours and the educational career lab for high school seniors, as well as the drop-in child care center for patients and visitors at the LAC/USC Medical Center.

The work of Ms. March has been cited by the Los Angeles Unified School District, Caltrans, the LAC/USC Medical Center, the city and County of Los Angeles, Stanford University and the YWCA among other organizations. Her recent awards include reception of one of the President's volunteer awards, the Los Angeles Outstanding Community Achievement Award, and the Carnation Community Achievement Award.

Ms. March's selfless record of service not only to the city and county of Los Angeles, but also to the millions of Americans who have benefited from her efforts is a testimony to the valuable contribution a single volunteer can make to the well-being of our country.

EXTENSIONS OF REMARKS

THE 100TH ANNIVERSARY OF ST. MICHAEL'S PARISH

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, on Sunday, September 4, I had the opportunity to visit with the members of St. Michael's Parish in New Haven as they began the celebration of the church's 100th anniversary year. As the oldest Italian-American Catholic Church in New Haven, St. Michael's has had a long, important, and interesting history. I would like to share some of that history with my colleagues here today.

The driving force behind the establishment of an Italian parish in New Haven was Paul Russo, an immigrant who became a successful lawyer and banker. On behalf of the 1,500 Italian immigrants in the community, he met with the bishop of Hartford in 1884 to discuss the need for a priest who spoke Italian. The bishop agreed to this request and gave permission for the collection of funds to build a church. The first masses were said in 1885 in the basement of another Catholic Church in New Haven.

However, the congregation was forced to move several times over the next few years, and its members continued to hope for a permanent church of their own. This dream was finally realized when the first mass was said at St. Michael's in September 1889. By 1894, the parish had grown to include 4,000 members and was forced to move to a larger building, formerly a Protestant Church, on Wooster Square in New Haven.

Within 20 years, the area around Wooster Square became the preeminent Italian neighborhood in the city. Despite a fire that destroyed the church almost totally in 1904, the membership continued to grow. The number of baptisms averaged over 900 annually between 1911 and 1920. In 1914 alone, 1,020 children were baptized.

Father Leonardo Quaglia was appointed pastor of St. Michael's in 1916 and stayed at the church for the next 33 years. Although he arranged for the 1923 construction of St. Michael's hall, his greatest accomplishment was leading the drive for the construction of St. Michael's school. Classes began at the school in 1936 and the building itself was completed in time for the beginning of classes in September 1940. The school has been a great source of pride for the parish over the years. By the time Father Quaglia left the parish to become provincial superior of the Scalabrini Fathers in 1949, all debt from these projects had been retired.

St. Michael's observed its golden jubilee on January 29, 1950. Soon after, the parish embarked on a major renovation program and replaced the sanctuary, the rectory, and the sacristy. Soon after the program was completed in the mid-1960's, St. Michael's was forced to deal with the effects of urban renewal, particularly a large highway built through the middle of the parish. Despite this, St. Michael's thrived and celebrated its diamond jubilee in 1965.

St. Michael's Parish continues to this day to be a source of pride, comfort, and joy for those who worship there. On the occasion of its 100th anniversary year, I congratulate all those who have done so much to keep the parish alive and wish them many more years of good health and God's richest blessings.

POLICE ATHLETIC LEAGUE YOUTH CENTER

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. GALLO. Mr. Speaker, we often speak in this House about values, and about the virtues of voluntarism. We talk about family and community as the cornerstones of our society. We express concern about alcohol and drug abuse among our young people and we recognize the difficult job being done on the front lines by the law enforcement community in the fight against these negative forces within our communities.

Today, I call upon my colleagues to recognize an organization in my hometown dedicated to the preservation of our strong sense of positive values, both now and for the future.

In 1965, the Parsippany Police Athletic League launched an ambitious project to create a program of youth activities as part of their overall efforts to prevent juvenile delinquency and preserve the sense of community in a rapidly growing area.

The success of this worthwhile program depended upon the voluntary cooperation of hundreds of individuals. Because there were no tax dollars involved, contributions were sought from individual donors and from the business community.

Coaches and administrators donated their time and talents willingly, and the program grew year by year.

As a result, this totally voluntary, nonprofit organization has provided year-round programs for young men and women for more than 23 years, but until now it has not had a permanent home.

In the spring of 1985, the dedicated men and women of the Parsippany Police Athletic League undertook an ambitious construction project to build a youth center to house the many events sponsored by the PAL.

And the people of Parsippany responded. Corporate sponsors stepped forward. Residential efforts brought not only dollars, but material and manpower donations as well. Construction contractors, the Building Trades Council, the Morris County sheriff's office, and talented individuals from all parts of Morris and Sussex Counties provided free labor and expertise. Elected officials and other community leaders lent their support.

It is truly a tribute to all of these voluntary contributors that this force for good within the community was built without the use of any taxpayer funds.

The result of these efforts is the newest, and the largest, youth center complex in North Jersey, valued in monetary terms at \$2 million.

The true value of this beautiful complex—in terms of voluntary time and effort, in terms of

its value to the community, and in terms of the positive influence that its presence will have on the individual lives of our young people—is immeasurable.

This complex is a priceless asset and a timeless reminder that the people of Parsippany are dedicated to the virtues and the values that have made America the greatest Nation on Earth.

I ask my colleagues to join with me in recognition of the Police Athletic League and the people of Parsippany, NJ, on the occasion of the dedication of the youth center, in this year of 1988.

A TRIBUTE TO FRED PAROLA

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. LENT. Mr. Speaker, Long Island, NY, is one of the most beautiful places to live in America with miles of white, sandy beaches, coastal waterways, and lovely, tree-lined neighborhoods. Those of us who live there work very hard to preserve the special way of life we enjoy on Long Island.

Few people have done more for our neighbors and communities than my good friend, Assemblyman Fred Parola. Since he was first elected in 1978, Fred has represented the 14th assembly district in the New York State Legislature in Albany. During those years, he has generously given countless hours of his time working for programs to enhance and improve our communities. At the same time, he's been a dedicated leader against unwanted, ill-conceived, or intrusive projects that would destroy the suburban beauty we on the island's South Shore have worked so hard to maintain.

In recognition of Fred's hard work and commitment, the South Shore Planning Council is sponsoring a dinner in his honor on Saturday, September 24. And, in his usual selfless way, Fred has agreed to donate the proceeds from the dinner to the community's legal defense fund. There was a time when the town activists could join efforts and win against an unwanted project. But times have changed. And, today, these type cases are increasingly decided in the courts. The legal defense fund offers our community and its citizens a fighting chance, and I commend Fred for his generous contribution to the fund.

On behalf of my constituents in the Fourth Congressional District, I'd like to extend my personal thanks to Assemblyman Fred Parola for his outstanding service to the betterment of our local communities and for his commitment to preserving our much loved way of life on Long Island.

WE SHOULD NOT TIE HIGHWAY FUNDING TO SPEED COMPLIANCE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. McEWEN. Mr. Speaker, I stand today to introduce a bill to eliminate the highway funding sanctions and speed limit compliance requirements of the 55-mile-per-hour national speed limit.

As the law stands now, States must file a report with the Secretary of Transportation that provides data on speed compliance for highways with the 55-mile-per-hour speed limit. If the report proves that at least half of the vehicles traveling on these roads are within the speed limit, a State is considered to be "in compliance."

If the State is found not to be in compliance, a certain percentage of their highway funds, funds designated for primary, secondary and urban highways, may be withheld. The money withheld may be up to 10 percent of the highway funding provided to that State.

The goals of this strategy are excellent: encourage States to enforce the 55-mile-per-hour speed limit, and thereby save lives. However, this strategy has an unexpected and unfortunate consequence.

Most high speed traffic occurs along interstate highways. If a State suspects they may be about to lose highway funding, they will increase the number of law enforcement officers along these routes. Unfortunately, these same officers are diverted from enforcing safety measures such as speed compliance and drunk driving prevention, along what has proven to be the far more dangerous noninterstate routes. The result of this law—intended to promote safety—is to instead put more lives in jeopardy in order to protect highway funds.

We should not tie highway funding to speed compliance. Our highways are deteriorating today—this Nation's infrastructure is in serious trouble and can be considered a hazard to lives in and of itself. So, not only does this law encourage misdirected assignments for law enforcement officers, but in many cases it may also withhold vital highway funding which could also save lives.

For fiscal year 1987 three States were found to be in noncompliance: California, New York, and North Dakota. And 14 more States are very close to being found in noncompliance. What will your constituents say—those people who pay a gas tax every time they fill up the gas tank, tax money dedicated to improving and building roads—when they find out their funding is being taken away.

Certainly I do not want to imply that speed compliance is not very important, indeed it is. However, it should not be tied to highway funding. A number of experts, people in the field who actually have to deal with speed compliance as well as infrastructure improvement, as well as national safety experts, agree with this assessment. The Senate received testimony on this topic from Maurice Hannigan, deputy commissioner of the California Highway Patrol, Dick Morgan, Executive Direc-

tor of the Federal Highway Administration, and Jeffrey Miller, Deputy Administrator of the National Highway Traffic Safety Administration, as well as many others.

These people all agree that speed compliance mechanisms must be left to the discretion of the State. That is the purpose of the federalist system, and we must allow individual States to determine the best way to promote safety and keep highway speeds down. It is detrimental to instruct them to such a degree that law enforcement officers are forced to monitor areas with a lower priority than others, solely to maintain their highway funding.

Mr. Speaker, I ask that this bill be printed in the RECORD.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENFORCEMENT OF SPEED LIMIT REQUIREMENTS.

Section 141 of title 23, United States Code, is amended—

- (1) by striking out subsection (a),
- (2) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively, and
- (3) by striking out "subsection (b)" each place it appears in subsection (b), as redesignated by paragraph (2), and inserting in lieu thereof "subsection (a)".

SEC. 2. NATIONAL MAXIMUM SPEED LIMIT.

(a) ENFORCEMENT.—Subsection (c) of section 154 of title 23, United States Code, is amended to read as follows:

"(c) ENFORCEMENT.—The Secretary shall not approve any project under section 106 in any State that fails to certify to the Secretary by January 1 of each calendar year (1) that any public highway within the State posted at a maximum speed limit of 55 miles per hour or higher and constructed with Federal-aid highway funds has been designed and constructed to standards applicable at the time of construction which are appropriate for the speed permitted on such highway, and (2) that the State has been enforcing, during the 1-year period ending on September 30 of each calendar year, the speed limits on public roads within the State posted at 55 miles per hour or higher. Such certification shall include a statement certifying that the posted maximum speed limits on public highways in the State do not exceed the speed limits allowed under subsection (a)."

(b) CONFORMING AMENDMENTS.—Section 154 of title 23, United States Code, is amended by striking out subsections (e), (f), (g), and (h).

SEC. 3. MONITORING REPORTS.

Each State shall report to the Secretary speed monitoring data on any public highway with speed limits posted at 55 miles per hour or higher in the same manner and in the same form as such data on public highways with speed limits posted at 55 miles per hour was submitted to the Secretary for the fiscal year immediately preceding the date of the enactment of this Act.

SEC. 4. CONSTRUCTION STANDARDS.

Section 109 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) STANDARDS FOR NATIONAL MAXIMUM SPEED LIMIT HIGHWAYS.—The Secretary shall not approve plans and specifications for any proposed highway project on a Fed-

eral-aid system which is to be posted at a maximum speed limit of 55 miles per hour or higher if such plans and specifications fail to provide for a facility designed and constructed for a speed limit equal to or greater than that to be posted upon completion. Nothing in this subsection is intended to prohibit or restrict the use of advisory speed signs in accordance with accepted practices."

PERSONAL EXPLANATION

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. WILLIAMS. Mr. Speaker, I will not be present for votes during Thursday and Friday of this week. I will be in Montana and in Yellowstone National Park for discussions about the tragic fires with Western Governors, Governor Dukakis, and throughout the weekend with Parks Service Administrators.

During my absence the House may vote on the gun control matter concerning the 7-day waiting period. I have consistently without exception voted against gun control. I would vote against the waiting period.

THE CHESTER COUNTY MUSHROOM FESTIVAL

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. SCHULZE. Mr. Speaker, within the Fifth District of Pennsylvania, which I represent, is the largest mushroom producing area in the United States. Last year alone, mushroom production in southern Chester County, PA, generated \$189 million in revenue.

This valuable commodity is important not only to the economy of Pennsylvania which, in 1987, was responsible for over 46 percent of the mushrooms harvested in the United States, but to the Nation as a whole. Because of its importance, more people should be made aware of the many virtues which the mushroom holds; including its versatility in cooking for any meal of the day, and its nutritional value to our eating regimen, of which we are ever-conscious.

As I did last year, I have again proposed a joint resolution in honor of the Chester County Mushroom Festival, which takes place this year during the week of September 17-24, and proclaiming that week "American Mushroom Week." This week will include visits to mushroom houses, a mushroom banquet and pageant involving the crowning of the second national mushroom queen, the sixth annual mushroom cook-off contest, and a mushroom symposium dinner. However, not to be lost in the numerous fun-filled activities associated with the festival is this occasion's true intent: To recognize the importance of, and educate those unfamiliar with, what has become a most critical segment of our agricultural sector.

As always, the Chester County Mushroom Festival is certain to provide a clearer under-

standing as to the value of the mushroom not only in our daily diet, but in our Nation's economy as well.

THE GENEROSITY OF THE ISHIHARAS

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. ATKINS. Mr. Speaker, last month Congress took one of its more noteworthy actions when we decided to right one of the terrible wrongs this country undertook, the internment of 120,000 patriotic Americans of Japanese descent during World War II.

Two of those proud internees, Jiro and Tama Ishihara, have lived in my hometown of Concord, MA, for 30 years, and recently did something truly American in spirit. They took the \$20,000 awarded each of them in compensation for their wartime nightmare and donated it to the Concord-Carlisle High School to set up a permanent college scholarship fund for deserving students in financial need.

The Ishiharas moved to Massachusetts after the war because of the State's economic opportunities and raised three children, an attorney, a systems analyst, and a chemical engineer.

The generosity of the Ishiharas speaks highly of them and their pride in America and also bears a message of hope for the future.

Although Mr. Ishihara asks, "don't make heroes of us," I would like to share with my colleagues the full story—a heroic story—of the Ishihara family of Concord, MA, as published in the September 11 issue of the Boston Globe:

(By Gloria Negri)

CONCORD.—When Jiro and Tama Ishihara learned recently that they each would receive \$20,000 in tax-free payments for the pain the United States government inflicted upon them and 120,000 other Japanese-Americans 46 years ago, they knew exactly what they would do with the money.

Like most Americans, they could put it to good use. But the Ishiharas will not buy a new car, take a trip around the world, give it to their three children or redecorate their kitchen.

They will instead give the \$40,000 to set up scholarship funds at Concord-Carlisle High School for deserving students in financial need, in memory of their parents, Seitaro and Shina Ishihara and Tameji and Chiyo Yoshimura.

"The \$20,000, that's not the story," Jiro Ishihara said during an interview at his Concord home.

"Our whole motivation is to keep the event alive so that people will know that it happened and that they will think about it and that they will never let something like that happen again."

His wife, like her husband shy and soft-spoken, agreed.

The event the Ishiharas spoke of was the internment of Japanese-born immigrants and their American-born children at so-called "relocation camps" on the West Coast during World War II.

The immigrants were called *issei*; their American-born children, such as the Ishiharas, were called *nisei*.

In May 1942, five months after the Japanese attacked Pearl Harbor on Dec. 7, 1941, Japanese-Americans living on the West Coast were given 10 days to settle their affairs and pack one suitcase of belongings for their stay in the internment camps—barack complexes in desolate locations.

Many of the homes from which they were uprooted and the possessions they left behind were sold for a song, burned or looted. Some of the internees were kept in the camps for the duration of the war. The Ishiharas were held for two years.

"There was a war hysteria. There were reports of submarines sighted off the California coast. We were under curfew," recalled Jiro, better known to friends and acquaintances as "Ish."

At the time, Ish was living with his family in Los Angeles and Tama with hers in Richmond, across the bay from San Francisco. They were 16 years old.

While the pain of the experience has long since dulled—"We must forgive and forget," Ish said—the memory will always remain locked in the corners of so many hearts.

"Of course," Tama said gently, "a certain amount of resentment is there, but it doesn't rule our lives."

For years afterward, the Ishiharas said, they never talked about their internment, not even to their children when they were growing up.

And they said they still would not discuss it today had it not been for the federal legislation seeking to redress the wrongs done to so many Japanese-Americans.

CHILDREN FULLY APPROVE

The Ishiharas, now 62, said their three children fully approve of their use of the \$40,000 for scholarships. They have two daughters, Margaret Ishihara of Marion, an attorney, and Nancy Ishihara Zinky of Cambridge, a systems analyst; and a son, Mark Ishihara, a chemical engineer, of Milwaukee. They are expecting their first grandchild in four weeks.

They have also added a codicil to their will to assure the money will be used for the scholarships in the event of their deaths.

"We have lived in Concord for 30 years with great happiness. This is our way of giving something back to the community," Tama said.

Mary Ann Lee, a trustee of the Concord-Carlisle Scholarship Fund, said the school was "delighted" with the Ishihara gift, which will provide at least two scholarships a year. The interest will be put back into the fund to make it a continuing one, she said.

Their wartime experience as internees has never been a dinner-table topic for the Ishiharas. Ish said the first time he spoke about it openly was 15 years ago, "when some high school kids working on an immigration project came to the house to ask us about it."

"I tried to tell these kids, you've got to look at this thing not from what I'm going to tell you about my experience—the story line should not be us—but from a constitutional aspect, whether we were deprived our due process, and of the prejudice involved."

"Just don't get into it on whether we proved our citizenship. It was wrong because it violated the Constitution."

CHILDREN PRESSED FOR REDRESS

The internees' children, the third—so-called *sansai*—generation of Japanese-Americans, obviously thought their parents and grandparents had been deprived of their constitutional rights.

"I was against this thing being pursued. I always felt it was just something to forget about. But the kids were the ones who pushed this redress bill because those kids felt people didn't know that it happened in the United States to US citizens," Ish said.

Congress, agreeing with the sansei, approved the bill last month, and President Reagan signed it. However, official sources say funds probably will not be available until 1990.

Like many Japanese-Americans, the Ishiharas feel the sum is more than adequate, but that the apology had to be monetary "to make an impact. It's too easy for people to say they're sorry," Tama said.

The shock of the internment probably made the deepest impression on him, Ish said.

"The worst thing was not-knowing what was going to happen once Executive Order 9066," authorizing the internment and giving the western defense military command control over civilians, went into effect.

HEADS OF ORGANIZATIONS FIRST

First, he recalled, there was a roundup of men who headed various Japanese organizations. Then ordinary civilians were taken away, first to assembly centers at race tracks to wait for about six months while the inland desert sites were being readied.

Tama, her parents and one sister first were sent to the Tanforan race track outside San Francisco; Ish, his parents and two sisters to the Santa Anita race track. At the race track, horse stalls were used for sleeping areas.

The inland sites were not much better, though there were barracks to sleep in. Tama's family was sent to a camp in the desert at Topaz, Utah; Ish's to the Gila River Indian Reservation in southern Arizona. Barbed wire ringed the camps.

"It was somewhat of a shock coming from a strict family environment for five of us to be crowded in a small tarpaper-covered barracks and to go to mess halls with 2,000 people and to use bathrooms without partitions," Ish recalled.

EXCITEMENT FOR TEENAGERS

"You could make a big thing out of this," he said. "But it wasn't planned cruelty, but the movement of so many people hastily."

As a teenager, he conceded, the internment added "some excitement" by allowing children to slip out from under parental authority, very strict in most Japanese families. "Some days, I'd go to all six mess halls to eat," he grinned.

Tama and Ish, who did not know each other at the time, got their high school diplomas while in the camps. During a so-called grace period, any Japanese-Americans who had the chance to move to other parts of the country were allowed to do so, and Ish's older sister, who was married, moved to Chicago.

Eventually the camps were put under civilian control and relocation projects were started. Internees were furloughed for agricultural work.

Under a relocation program sponsored by the American Field Service, Tama was sponsored by Carroll College in Waukesha, Wis., where she majored in bacteriology.

Ish and his family joined his married sister in Chicago. He majored in engineering and got his bachelor's degree from Roosevelt University and his master's degree from Northwestern University.

Ish would have been drafted into the Army, as so many young nisei were, but a damaged ear kept him out.

After college, Tama became a laboratory technician and joined a sister in Chicago, where she met Ish.

In a way, both Tama and Ish are philosophical about the internment.

"At the time," Tama said, "there was a heavy, Japanese concentration in California and it enabled us to spread out to the Midwest."

Ish felt that if the family had remained in California he might have become "a gardener or gone into the produce business."

"Education was important to both our families," Ish said. "Before the war, the standard thing for a Japanese-American guy to do was to go off to college and get a degree. But because of the prejudice they would end up pushing a lawnmower or in a food market."

Their move to New England in 1951 was also inspired by the job market. "Opportunities were limited for everyone then," he said.

He joined the digital computer laboratory at Massachusetts Institute of Technology, where he remained for five years. He retired in June after 22 years with Mitre Corp. in Bedford, but still does consulting.

Ish chuckled as he recalled the television reporter who came to their home for an interview after the signing of the redress bill.

"I was painting the kitchen and he said, '20 grand will pay for all this.' I told him he had the wrong story."

"But please," Ish urged the other day, "don't make heroes of us."

LEGISLATION TO ASSIST INDIAN VOCATIONAL EDUCATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. RICHARDSON. Mr. Speaker, I am pleased to introduce legislation assisting the cause of Indian vocational education. Currently, only two tribal institutions exist nationwide which are solely dedicated to providing quality vocational education for American Indians: The Crownpoint Institute of Technology located in my own district in New Mexico, and the United Tribes Technical College in Bismarck, ND.

Over the past decade, our Nation's economy has changed dramatically from an industrial-based economy to one that is increasingly service-based. This has precipitated a change in our training needs as more and more of the jobs in high demand require specialized vocational training. These jobs range from the construction trades—masonry, plumbing, carpentry, electricians, sheet metal workers, and heavy equipment mechanics to food services, medical records technicians, nursing, and the computer fields, among others. Many of these specialized employment fields can be taught in short-term training programs that yield high annual wages ranging from entry level wages of \$8,500 to \$20,400.

At the same time, problems in the national economy become magnified on many of our Nation's Indian reservations. American Indians currently suffer from one of the Nation's highest unemployment rates. The unemployment rate on the Navajo Reservation is averaging seven times that of the United States at large,

with an average unemployment rate of 37 percent. In addition, it is estimated only 55 percent of American Indians complete high school. College attendance rates for American Indians remain the lowest for any minority group with only 17 percent of young American Indians going on to college. The reasons for this are many, including the hardships of leaving one's homeland to attend college in an unfamiliar urban environment, and the prohibitive costs of higher education.

For these and other reasons, it is imperative that we invest in vocational education, particularly as the Indian tribes of our Nation confront the problems of high dropout rates and unemployment through economic diversification, and tribal economic development.

Currently, the Crownpoint Institute of Technology and the United Tribes Technical College are the only two tribal institutions struggling to provide specialized vocational job training for American Indians. These two institutions are the only Indian tribal educational institutions which are not provided for by Federal authorizing statute. Because they are not State institutions, they cannot look to city, county, or State mill levies for funding. Absent tax generating economies tribal governments cannot provide adequate support.

As a result, their sources of funding are competitive and soft, and frequently absent. Without dependable funding, long-term planning becomes impossible. In fact, at times, only portions of a course can be offered because a one-time funding source is no longer available. More critically, at the end of 1 school year, it is not unusual for these institutions to be uncertain about whether they will be able to open for classes for the continuing year. In short, because of their unique status, they have been overlooked by every funding source and have simply fallen through the cracks.

Despite the tremendous odds facing these institutions, the Crownpoint Institute of Technology has graduated over 1,150 Indian adults into the Nation's work force, skilled from among 25 fully-accredited, intensive training programs. Virtually all of these graduates entered CIT unemployed and without any job skills. Both the Crownpoint Institute of Technology and the United Tribes Technical College enable their graduates to leave the welfare rolls forever and become gainfully employed. More importantly, these institutions are critical to the transformation of these graduates into proud, productive citizens contributing to tribal and State economies.

Among other things, the legislation I am offering today will provide a stable, basic funding source for these institutions based upon their current expenditures and costs. It will also create a National Indian Center for Research in Vocational-Technical Training designed to provide input into Indian economic development policy.

In closing, I emphasize that this Federal investment can be expected to be returned multifold. In just 6 years of employment, one graduate will have returned in taxes the cost of his or her education. In New Mexico alone, one graduating class can be expected to earn \$1.2 million in 1 year and contribute over \$460,000 to the tax base. Contrast this to the

cost of maintaining these individuals and their families on public assistance and it is clear this legislation is worthy of Federal investment. The time has come to provide these valuable institutions serving Indian people the same basic funding opportunities afforded to all other educational institutions.

THE HYDE AMENDMENT

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. MARLENEE. Mr. Speaker, I want to take this opportunity to commend the other body for supporting the position of the House of Representatives and the President on Federal Medicaid funding for abortions. Yesterday, the Senate defeated an attempt to weaken the Hyde amendment, which prohibits Federal funds to be used to perform abortions except where the life of the mother would be endangered if the fetus was carried to term.

I am opposed to abortion as a method of birth control and I do not condone abortion as a practice of convenience or simply by choice. I have consistently voted against the use of Federal funds to finance abortions and I will not abandon that stand.

Last June, House Democrats and Republicans adopted the Hyde amendment to the 1989 Labor, Health and Human Services, and Education appropriations bill. However, the other body passed an amendment to their version of the appropriations bill, sponsored by Senator LOWELL WEICKER, that would add rape and incest to the "health of the mother" exception.

When both bills went to a House and Senate conference committee to iron out the differences between each version, Senator JAMES EXON offered a compromise that would let each State interpret the rape and incest clause, and defined rape as forcible, not statutory. As we all know, statutory rape is sexual intercourse with a minor. If the Weicker language was adopted, millions of taxpayers' dollars would have been spent on abortions for teenagers. This is clearly unacceptable.

The Exon amendment was a modest improvement over the Weicker proposal, but I believe that Congress should not begin to open the floodgates to allow more and more exceptions regarding Federal funding for abortions. As my good friend and colleague from Illinois [Mr. HYDE], eloquently stated last week, "While rape is a terrible thing, abortion is worse."

I was pleased that when the House had an opportunity to vote up or down on the Hyde substitute to the Exon amendment, it passed with strong bipartisan support by 216 to 166 on September 9. It was an emotional debate, but I strongly endorsed the position of the majority of the House that the Federal Government should not encourage abortion in any way. Yesterday, I was pleased that the Senate agreed with the House action by a close vote of 47 to 43. For all the unborn children, I thank God that the Hyde amendment will stand for another year.

An additional bright spot for the pro-life movement was an item in today's Washington

Post. Supreme Court Justice Harry Blackmun, who authored the 1973 abortion ruling, responded to a question from law students at the University of Arkansas at Little Rock about a possible overturn of *Roe versus Wade*. He answered, "I think there's a very distinct possibility that it will [be overturned] this term."

That's the best news I've heard in a long time for the pro-life cause. We can all be grateful to President Reagan who had the courage to appoint three new Justices to the Supreme Court who reflect his thinking on the abortion issue.

I encourage my colleagues to cosponsor H.R. 5020, which will end the annual agonizing exercise over this contentious aspect of the abortion debate. This bill would simply make the Hyde amendment permanent and declares an unborn child as a living human being.

Mr. Speaker, I also urge the appropriate committee chairmen to allow a straight up or down vote on H.R. 5020 so that we can finally put this issue to rest. The majority of Americans and Members of both bodies do not want Federal funds paying for abortions, except to save the life of the mother.

HAITI

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. RANGEL. Mr. Speaker, at the request of the Council on Hemispheric Affairs, I would like to submit for the RECORD an article written by Paul Kantz, titled "United States Shares Blame for Haiti's Coup." I am hopeful that this article will be viewed as a contribution to the debate as a whole on the social, economic, and political problems that the country of Haiti is currently facing.

UNITED STATES SHARES BLAME FOR HAITI'S COUP

(By Paul Kantz)

Haiti's minute prospects for constitutional rule were crushed under the boot of Lt. Gen. Henri Namphy on June 19, when the powerful military leader ousted President Leslie Manigat.

Though internal power struggles and a violent and authoritarian national history helped set the stage for the coup, the U.S. State Department also bears a heavy responsibility. The Reagan administration's acceptance of a fraud-ridden election that brought Manigat to power in January and unconditional support for the increasingly repressive Namphy-led junta that governed for the two years prior to Manigat's inauguration guaranteed that no authentic democratic development would take place in the impoverished Caribbean island nation.

The White House's immediate reaction to the coup was a perfunctory expression of surprise and disapproval. This was followed quickly and inevitably by assurances that diplomatic relations with Port-au-Prince would not be broken nor economic sanctions be used to isolate the illegitimate regime.

Instead, the administration says it will continue its push for democracy in Haiti through "quiet diplomacy." This policy has failed miserably in the past because achieving democracy is not the principal goal for

Foggy Bottom. Seen from Washington, the primary mission of any Haitian government is to prevent anything resembling a political left from emerging as a potent political force, whatever the cost, which is a cause in which Gen. Namphy has been a durable soldier.

Notwithstanding the fact that departed dictator Jean Claude Duvalier had appointed the Namphy-led National Governing Council before fleeing the country, the State Department extended its immediate recognition. At the time, the administration, which aggressively exaggerated its role in ending the Duvalier era, viewed Namphy's junta as its best hope to prevent an opening to Cuba, Haiti's Caribbean neighbor 60 miles to the northwest. That this policy would be prejudicial to the fate of moderate and left-leaning Haitian politicians who would emerge to contest the presidency apparently was not of great concern.

Just hours before the recent coup, it looked as if Manigat had won a power struggle that began June 15 when the president countermanded Namphy's order transferring Col. Jean-Claude Paul from his command of Haiti's largest army battalion. Two days later, Manigat fired Namphy as army chief of staff and placed him under house arrest.

But Namphy broke out of house arrest June 19, and supported by presidential guardsmen, he stormed the national palace and ousted Manigat.

Namphy's apparently bold action was nothing new for the general.

In June 1987 he attempted to disband the Provisional Electoral Council (CEP), a broad-based democratic body charged with carrying out elections scheduled for last November. Rather than strong words from Washington, it was popular protests that forced the general to restore nominal control of the elections to the CEP, but terrorist attacks on election headquarters and ballot-printing facilities went uninvestigated. Even when presidential candidate Yves Volle was shot to death by plainclothed officers in front of the Port-au-Prince police station, Namphy did nothing and Washington remained silent.

The two years of unconditional Reagan administration support for Namphy were broken only by a verbal slap on the wrist and Congressionally-forced cutoff of aid following the army-sanctioned massacre of at least 34 voters in the aborted November election.

Namphy then dismantled the ill-equipped and powerless CEP, which he impudently blamed for the disaster, and announced a military-administered election to be held January 17.

This election was boycotted by four leading opposition candidates who had run in the November election and were widely regarded as commanding the support of some 80 percent of the Haitian electorate at the time.

With as deft a hand as that exhibited by Panama's Gen. Manuel Noriega in manipulating that nation's 1984 presidential election to assure the victory of the Washington-backed candidate, Namphy provided Manigat 50.3 percent of the vote, a suspicious figure since he needed 50 percent to avoid a run-off. The voting itself was marred by army inspection of voters' ballots, multiple voting, vote-buying, and voting by minors.

The election was condemned by Canada, the Vatican, and many other nations, but Washington's desire for a quick fix to the

Haiti crisis prompted it to recognize Manigat's election as legitimate. The State Department articulated its policy of "recognizing countries, not governments," which it recently reiterated as justification for continued relations following the coup. State Department officials seem untroubled that this recognition approach stands in marked contrast to Washington's continued backing of deposed Panamanian president Eric Arturo Delvalle.

The lack of a strong U.S. response to his previous anti-democratic actions correctly confirmed Namphy's assumption that he could move against the new civilian government with impunity and draw at worse a slap on the wrist. Even now, Assistant Secretary Elliot Abrams and his colleagues are taking a wait and see attitude toward Namphy, hoping to do no more than contain the negative publicity surrounding another of their diplomatic failures in the Caribbean-Central American region.

In the weeks ahead, unless a new round of violence occurs, Haiti will fade from the headlines, and life will go on as usual in that desperately poor nation. The streets of Port-au-Prince were quiet following the coup, and to the surprise of no one, there was an absence of protests against the overthrow of a president who had been imposed upon the Haitian people.

The Reagan administration's past and present complicity with the Haitian military has squandered what may prove to have been a unique opportunity for real democratic change. It has left the nation as far from democratic rule and an end to violence as it has ever been.

WISCONSIN DAIRY FARMERS EARN PRAISE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. KLECZKA. Mr. Speaker, I recently received a letter from a constituent of mine, Ms. Kathryn Muehl, who drew my attention to an article in the August 30 edition of the Milwaukee Sentinel newspaper highlighting the opening of the education center, a new addition to the Milwaukee County Zoo's children's zoo complex.

What makes this addition and its opening so noteworthy is that it was financed with \$450,000 from the Wisconsin's dairy farmers. While it is obviously intended in part to promote the dairy industry—the backbone of Wisconsin's economy—this center also stands as a tribute to private initiative for public good. As the article states, 9,000 to 10,000 Milwaukee public school first graders will receive a day-long dairy education seminar at the center, which will also teach nutrition and farming to the youngsters.

Ms. Muehl quite rightly noted in her letter to me that "this positive attitude on furthering a great segment of our State's economy needs commendation from elected officials and support as well." I am proud to follow her suggestion and by sharing the article highlighting this accomplishment with my colleagues.

The article follows:

[From the Milwaukee Sentinel, Aug. 30, 1988]

DAIRY GROUP'S ZOO GIFT EMPHASIZES EDUCATION

(By James B. Nelson)

The "official" name of the Milwaukee County Zoo's newest building: "The Dairy Council of Wisconsin presents The Education Center."

A more precise statement might be that Wisconsin's dairy farmers paid for these classrooms, and want you to remember that milk comes from cows, not cartons.

The zoo plans to address meatier agricultural topics than that in the three new classrooms. Touchy subjects include non-point pollution and water quality in general, and no doubt at some point, the use of bovine growth hormone for increased milk production.

The center was built primarily with \$450,000 from the Dairy Council, a nutrition education group associated with the Wisconsin Milk Marketing Board. The council receives funding from a 5 cents per hundred pounds (7.5 gallons) assessment paid by state dairy farmers.

Formally unveiled last week, the education center will be the first stop for the thousands of school children and other groups that take zoo field trips.

This school year, for instance, 9,000 to 10,000 Milwaukee Public Schools first graders will receive a day-long dairy education seminar, said Mary Thiry, zoo education director. They'll see cows, learn how and why they produce milk, hear about nutrition and farming, and learn about other mammals.

Overall, the zoo's education goal is to serve 200,000 children this year.

"A major focus of our efforts deals with school children," said Dairy Council President Daniel Borschke. The hope is that they learn about good nutrition (and choose milk over soda) early, and take it with them for the rest of their lives.

The council also is putting together a broader program, "Food . . . You're Choice," targeted for use in all state school districts during a three-year period.

Although the zoo's education programs started 12 years ago, "we've never before had classrooms or a focal point," Thiry said. "This is part of our commitment to education."

Agricultural education, and dairy education in particular, will be a crucial part of that program.

"It's one of the leading industries in the state and one of the most misunderstood industries among urban people," Thiry said.

The education center is the second part of a three stage, \$3 million renovation of the former Children's Zoo into the Stackner Heritage Farm. "This is the beginning of where we are going," Thiry said. "It's going to be exciting."

The project began a couple of years ago with construction of the Dairy Complex, a fully operational dairy barn, milking parlor, with the obligatory ice cream fountain next door. The Dairy Council was one of numerous industry groups that contributed to it.

The complex has nine cows, including one from each of the major state breeds. A high-tech computerized milking machine with digital display—far more elaborate than that found on the average Wisconsin family farm—makes it possible for groups to "see" milk flow and other data.

By the time the zoo's project is completed, Heritage Farm will consist of a group of buildings and adjacent areas addressing a range of issues. In addition to the dairy

farm, visitors will see beef, poultry and grain farming, and see how farming exists with other competing environmental interests.

An example is "a lot of city people think farmers kill birds of prey," Thiry said. "They don't understand the relationship between farming and wildlife."

Thiry also promised discussion of non-point pollution, particularly as it affects the Milwaukee River watershed. She called it a touchy subject, with discussion based on the findings of a new council studying the river.

"We'll present facts," she said, adding that on subjects lacking precise answers "the zoo will not take a stand." Technical advice for the various projects comes from the University of Wisconsin Extension. Officially, Thiry is a UW Extension associate professor, a UW "gift" to the zoo.

This fall, she said, look for displays aimed at explaining the drought to city slickers who will want to know why they're paying more for groceries.

THE NORTHEAST-MIDWEST ECONOMIC DEVELOPMENT GUIDE

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. BOEHLERT. Mr. Speaker, the number of Federal programs to stimulate economic development has fallen sharply since 1981. Fortunately, many States have implemented innovative programs of their own in order to spur economic vitality and development.

The Northeast-Midwest Congressional Coalition has documented many of these successful programs in the 1988 edition of "The Guide to State and Federal Resources for Economic Development," which was released on September 7. This valuable guide contains outlines of remaining Federal programs as well as a useful anthology of 460 brief case studies—drawn from every State in the Nation—that illustrate the strong initiative taken at the State level.

This scholarly work will help Federal, State, and local policymakers meet the challenge of a rapidly changing economy. I strongly recommend "The Guide to State and Federal Resources for Economic Development" to all of my colleagues in the coalition. This guide contains a wealth of information that will be useful in promoting the continued economic revitalization of the Northeast-Midwest region.

At this time, Mr. Speaker, I would like to enter one of these brief studies from my home State of New York into the RECORD:

NEW YORK REGIONAL ECONOMIC DEVELOPMENT PARTNERSHIP PROGRAM

OBJECTIVE

The Regional Economic Development Partnership Program (REDPP) was set up to provide financial assistance to New York business projects that generate substantial employment or that are run by minorities or women.

DESCRIPTION

In 1985 the New York legislature approved REDPP to promote economic growth and vitality at the regional level within the state. Administered by the state's Urban Development Corporation (UDC) and

working through the ten regional offices of the state Department of Commerce, the program finances three types of projects: business development, business infrastructure, and economic development support services. To receive funding, officials in each region first must develop a regional strategy for economic development, which must be approved by the state's budget director. Projects submitted for funding must show a contribution to the overall goals and direction of its region's strategic plan. According to program officials, this system increases accurate response to regional problems and builds regional leadership. The legislature appropriated \$10 million for REDPP in 1986-87.

REDPP business development and business infrastructure projects support manufacturing, commercial, industrial, agricultural, tourism, research and development, high technology, and service companies. Qualified projects are eligible for both loans and grants. REDPP provides business-development project aid directly to private companies and channels business infrastructure aid to development corporations and local governments.

Business development loans are available for up to \$500,000 or one-third of the total cost of a project, whichever is less. These loans must be used for working capital, construction of facilities, or purchase of equipment and machinery. Interest rates on all REDPP loans are set by UDC from analysis of the projects' cash-flow projections.

Grants also are available for business development projects; however, program regulations limit grant use to interest subsidies or feasibility studies. The highest feasibility study grant is \$40,000. REDPP may provide an interest subsidy only when a project could not continue without its financial support. Grants for this purpose are limited to \$250,000 or one-third of project cost, whichever is less. No more than 20 percent of program monies allocated to business development projects may be issued as grants.

Business infrastructure help is available for projects essential to the development of a specific business endeavor. Eligible activities include sewer systems, access roads, wharves, and water supply systems. The highest allowable infrastructure amount per project is \$750,000. REDPP will fund up to 49 percent of total project costs. It provides both loans and grants, but limits grant support of any project to 20 percent of requested funding.

To qualify for business development or business infrastructure assistance, a project must:

- Help create or retain substantial, permanent, private-sector jobs;

- Exhaust all other sources of financing on reasonable terms through other public and private sources;

- Have sufficient private or public commitments to finance the portion not supported by REDPP; and

- Fit into the regional economic development plan.

In addition, a project must be located in a distressed county or municipality, or address certain targeted needs of the region. To be designated distressed, a county or municipality must meet specified criteria of poverty, unemployment, population decline, job lag, or per-capita income lag. According to program regulations, targeted needs are:

- Business development by women, minorities, or unemployed persons;

- Modernization and productivity improvements to industrial firms;

Diversification of the economic bases of communities dependent on single industries;

Creation of substantial, permanent, private-sector jobs for dislocated workers, public assistance recipients, disadvantaged youth, or long-term unemployed persons; and

Prevention of loss of primary employers, thus avoiding major adverse impacts on the economic conditions of communities.

Economic development support assistance is available as grants in three categories: strategic planning, targeted development, and employment training. Strategic planning aid goes to regional development offices for marketing, training, and other needs related to preparation of the regional strategic plan. These grants may not exceed 5 percent of the total annual REDPP appropriation. Targeted development monies may be used for analysis of industrial sectors, productivity assistance to mature industries, export assistance, management training for minority and woman-owned businesses, and regional marketing. Employment training help may go directly to companies and must be matched by other public or private funding for the development of new jobs. These grants may be used for retraining, upgrading the skills of employees, and productivity enhancement.

PROGRAM IN PRACTICE

The program operated for three years. A lack of clarity in program requirements and selection criteria the first year caused difficulties in expediting applications and allocating funds. By the following year, however, the program had defined specific guidelines, published an information bulletin, and established standard application, review, and approval procedures. These adjustments in the operations eliminated many of the problems, according to state officials.

With the \$10 million allocated in 1985-86, REDPP funded 45 projects. In 1986-87, REDPP used \$8.7 million of the \$10-million appropriation to help 56 projects. The remaining \$1.3 million was carried over to the next year's budget. REDPP funds helped leverage over \$200 million from other funding sources. REDPP officials estimate some 17,000 jobs were created or retained as a result of the program's operations. As much as \$8 million of each year's \$10-million appropriation may be devoted either to business development or business infrastructure projects, and as much as \$2 million may go to economic development projects. However, no minimum allocation has been set for any of the three categories.

PATIENT IDENTIFYING INFORMATION CONFIDENTIALITY ACT OF 1988

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. HORTON. Mr. Speaker, I am pleased to join with Congressman JIM LIGHTFOOT in introducing legislation which would protect the confidentiality of individuals whose identities are revealed in documents acquired or created by the Public Health Service. This legislation, the Patient Identifying Information Confidentiality Act of 1988, would require the Secretary of the Department of Health and Human Services to remove patient identifying information from medical records, including

adverse drug reaction reports, before releasing those records to Congress.

This legislation is not intended to impede Congress' legitimate oversight responsibilities over the Public Health Service. It is instead designed to protect the privacy of the individuals listed or named in these medical records. The Secretary would still be required to provide Congress with the requested medical records; however, he or she would first have to remove any sensitive information, such as a person's name, Social Security number, telephone number or address, from the records before allowing Congress access to them. In order to assist Congress in cross-referencing the records, the Secretary would establish a system whereby the records could be identified without using patient identifying information.

Restricting access to patient identifying information contained in the records would guarantee that an individual's privacy would be protected. There are few matters as personal or as private as an individual's medical history or condition. Records which discuss an experimental treatment received at the National Institutes of Health or which describe a drug reaction experience are items which most people would like to keep confidential. This legislation would provide these individuals with assurances that their medical records would not contain identifying information that could be traced back to them.

This legislation sends a signal to individuals participating in Federal programs, such as clinical trials on AIDS drugs, that their privacy is of utmost importance to Congress and that it will be protected. At the same time, it permits Congress to continue its rightful role in conducting oversight over the Public Health Service. I urge my colleagues to cosponsor this legislation.

HOUSE JOINT RESOLUTION 607: DAY OF OUTREACH FOR THE RURAL DISABLED

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. DE LA GARZA. Mr. Speaker, approximately 8.5 million disabled people live in rural America. For many of them, life in the country presents its own set of obstacles. Things that most of us take for granted—access to health care, transportation, educational and employment opportunities, even social and recreational activities—are much more limited for a handicapped person living in rural America than in our cities.

We have made substantial progress in recent years to make our schools, Government facilities, and other institutions accessible to the urban handicapped. But, frankly, these efforts have not really addressed the problems of the rural disabled.

A disabled person living in a rural America faces a unique set of problems.

Often there is isolation, literal isolation. The nearest neighbor may be a mile down the gravel road. The nearest town with a doctor or a hospital may be 25, 50, or 100 miles away.

There is psychological stress, particularly for farm families. Farming is a way of life that is dependent on a family working together. When a family member becomes disabled, this way of life is challenged.

And obviously, there is economic stress. Disabled persons who are able to work and contribute to society often face severely limited job opportunities in our nonmetropolitan areas. For farm families the problem is compounded by the fact that farming is an occupation that requires a certain degree of physical mobility.

Consequently, many rural people with permanent disabilities face the prospect of a limited and lonely life.

Fortunately, through the concern, ingenuity, and perseverance of people all across the country—many of whom are disabled themselves—there is progress being made to make the life of the rural disabled easier and more fulfilling. Some of these programs are partially funded by Federal and State Governments. Others exist through the concern and interest of various volunteer organizations and individuals.

In particular, I would like to cite a few of the programs that are making successful contributions in this area:

Breaking New Ground, a program sponsored by Purdue University's Department of Agricultural Engineering in West Lafayette, IN, is recognized as the Nation's leading source of information on rehabilitation technology adaptable to agricultural worksites. The Farm Family Rehabilitation Management [FaRM] Program, based in Des Moines, IA, and operated by the Easter Seal Society of Iowa, Inc., provides counseling for farm families, as well as on-site consultation in adapting farm worksites to the needs of the disabled farmer. The 20-year-old Vermont Rural and Farm Family Vocational Rehabilitation Program at the University of Vermont in Burlington, VT, provides counseling and advice to the rural disabled.

Another valuable program is the Future Farmers of America's [FFA] educational scholarship and award program: Building rural initiative for the disabled through group effort [BRIDGE]. The BRIDGE Program makes available scholarships to outstanding FFA members overcoming a physical handicap. BRIDGE also presents a national award to the local FFA chapter showing the most effective outreach to the rural handicapped.

Through these programs and others, and particularly through the perseverance and ingenuity of disabled individuals themselves, living with a disability in rural America need not be limiting or unfulfilling.

I have introduced House Joint Resolution 607 to designate October 8, 1988, as "National Day of Outreach to the Rural Disabled" to make Americans everywhere more sensitive to the difficulties and triumphs of disabled Americans in rural areas. By raising our national awareness of the unmet needs of the rural disabled, we can begin to focus our attention on enhancing the life of this important segment of the American population.

CRACK COMES TO THE NURSERY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. VENTO Mr. Speaker, as we continue to consider H.R. 5210, the Omnibus Drug Initiative Act of 1988, I would like to share with my colleagues an article from the September 19 Time magazine. This article, along with a number of others published in the last few weeks, clearly illustrates the importance of a provision in the drug bill that will establish a program for demonstration projects to provide prevention, education, and treatment to substance-abusing pregnant women. As this article states, the use of drugs by expectant mothers and their babies is a nightmare that must be stopped.

CRACK COMES TO THE NURSERY—MORE AND MORE COCAINE-USING MOTHERS ARE BEARING AFFLICTED INFANTS

When reports surfaced in the early 1980s that cocaine use by pregnant women could cause serious physical and mental impairment to their newborns, it was another warning that the snowy white drug was not as harmless as some believed. Doctors found that cocaine, like heroin and alcohol, could be passed from the user-mother to the fetus with disastrous results. Since then the epidemic of cocaine-afflicted babies has only become worse. The main reason: growing numbers of women are using crack, the cheap and readily available purified form of cocaine that plagues America's inner cities and has spread into middle-class suburbs. Says Dr. Richard Fulroth, a Stanford University neonatologist: "The women have tears streaming down their cheeks when they tell me, 'In the back of my mind I knew I was hurting my baby, but in the front of it, I needed more rocks.'"

Even dramatic new evidence of widespread cocaine use by pregnant women probably underestimates the extent of the problem. Addressing a meeting of the New York Academy of Sciences held in Bethesda, Md., last week, Dr. Ira Chasnoff of Chicago's Northwestern Memorial Hospital reported that a study he directed of 36 U.S. hospitals found that at least 11% of 155,000 pregnant women surveyed had exposed their unborn babies to illegal drugs, with cocaine by far the most common. "There are women who wouldn't smoke and wouldn't drink," he says, "but they can't stay away from cocaine." Chasnoff concedes that his numbers are probably low since many of the hospitals did not take full prenatal histories.

Doctors have little doubt that crack is driving the new epidemic of drug-affected infants. "When crack cocaine hit Oakland, the number of small, sick babies just went through the roof," says Fulroth. The statistics bear him out. In 1984 some 5% of the newborns at Highland General Hospital, which serves Oakland's rough inner city, were contaminated with the drug. So far this year, about 20% of all babies born at Highland have been afflicted by crack. The problem, however, is not confined to low-income, minority patients. Says Chasnoff: "Our findings cut across all socioeconomic backgrounds."

As doctors see more and more crack-damaged infants—many of them premature—a clearer picture of the effects of the drug on

the fetus is emerging. It is not a pretty one. Because a mother's crack binge triggers spasms in the baby's blood vessels, the vital flow of oxygen and nutrients can be severely restricted for long periods. Fetal growth, including head and brain size, may be impaired, strokes and seizures may occur, and malformations of the kidneys, genitals, intestines and spinal cord may develop. If the cocaine dose is large enough, the blood supply can be cut so sharply that the placenta may tear loose from the uterus, putting the mother in danger and killing the fetus. The horrid litany is not just the result of binges. Even one "hit" of crack can irreparably damage a fetus or breast-fed baby.

At birth the babies display obvious signs of crack exposure—tremors, irritability and lethargy—that may belie the seriousness of the harm done. These symptoms may disappear in a week or more, but the underlying damage remains. While the long-term effects of crack are unknown, Stanford's Fulroth points out that children born with small heads often have lower than normal I.Q. levels by ages three to six.

Because there is no specific treatment for cocaine babies, therapists must work with the mothers. Parenting programs are teaching women how to handle the babies' long bouts of inconsolable crying and unresponsiveness. But such programs are usually designed for motivated women with some financial resources. Says Dr. Robert Cefalo, of the University of North Carolina School of Medicine: "We should be reaching these women before they conceive."

Too often, that is difficult to do. Crack mothers who show up at hospitals have often smoked up to the last stages of labor. Many are so high they do not notice when labor begins. Says Fulroth: "The crack cocaine mothers are the sickest you're going to see. They come in right when they're ready to deliver, and you just hold your breath waiting to see what you're gonna get." The message is clear: for expectant mothers—and their babies—crack is a nightmare.—By John Langone.

MAJOR DOMESTIC ISSUES FACING THE NEXT ADMINISTRATION AND CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. HAMILTON Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 14, 1988, into the CONGRESSIONAL RECORD:

MAJOR DOMESTIC ISSUES FACING THE NEXT ADMINISTRATION AND CONGRESS

Over the past eight years, the President and the Congress can point to several major accomplishments on domestic policy issues. They include lower inflation and interest rates, reforms of the Social Security and Medicare systems, a reduction in federal regulation, a decline in the unemployment rate, an overhaul of the tax code that lowered rates and closed loopholes, a bailout of the Farm Credit System, a new trade reform law, and the Gramm-Rudman deficit reduction act. Yet despite the progress in some areas, much remains to be done. We have put off several domestic problems until

1989. The next administration and the 101st Congress will have a formidable agenda.

Deficit reduction must be the centerpiece of the agenda of the next Congress and President. Since 1981, the federal government has annually spent around 20% more than it has raised in revenues. That has increased our national debt from \$1 trillion to \$2.6 trillion in less than 8 years. Although passage of Gramm-Rudman has helped trim the deficits, they are still unacceptably high. With most of the "easy" cuts already made, tough decisions lie ahead. Reducing the deficits will be especially difficult if the current period of economic growth falters.

Several other economic issues will have high priority. Over the past 15 years, the rich have gotten richer while the poor have gotten poorer. There is growing concern that if the trend continues, it could stratify American society and lead to class polarization. Considerable emphasis will be placed on promoting good jobs, since wages and salaries constitute nearly 4% of all personal income. Policymakers may also face the difficult challenge of trying to stabilize the economy if it takes a downturn. The typical tools for fighting recession—stimulative fiscal and monetary policies—will be limited, as the already huge budget deficits would seem to rule out the use of major new deficit spending to stimulate the economy. Also on the horizon is the savings and loan industry crisis. Due to economic hardship and unwise loan practices, up to 1/4 of the nation's thrift institutions find themselves insolvent. It could cost more than \$50 billion just to deal with the currently insolvent institutions.

Several health issues will have to be addressed. The cost and availability of health care will continue to be a major concern. Some 37 million Americans, many of them employed workers or their dependents, are without health insurance, and many more are underinsured. The next administration may also be faced with ensuring the long-term solvency of Medicare. With the ranks of the very old and health costs both rising, the program could face a far greater deficit than Social Security did before it was rescued in 1983. In addition, increasing calls will be heard to expand Medicare to include long-term care coverage, both at home and in nursing homes. While the main emphasis of federal health programs is on hospital and physician care, the cost of long-term custodial care is much more likely to wipe out a family's resources. Programs for AIDS treatment and research will also be high on the national agenda. All experts predict that the AIDS crisis will get worse before it gets better.

Other social issues will be getting attention. Legislation will be considered to increase the availability and affordability of child care, since more than half of all mothers work outside the home. Housing is likely to become a higher priority, as increasingly the needs of the nation's poor, as well as middle class, are not being met. The problems of the homeless have received national attention as they become more visible on our streets. Safe, decent, and affordable rental housing is becoming ever more scarce, and owning a home is beyond the reach of millions of Americans. The next administration may also have to decide how best to preserve the surplus Social Security trust funds that will be building up for when the "baby-boomers" retire. The reserves will be enormous, reaching some \$13 trillion by the year 2030 before they are drawn down and exhausted.

Policymakers will also have to decide how best to invest in America's future to improve our competitiveness. The poor state of much of the nation's infrastructure—roads, bridges, airports, water systems, and electrical power—has not improved much since it emerged as a national problem in the early 1980s. More attention will be paid to improving education in America. Because the United States is no longer the undisputed economic power in the world, improving math and science education is being called the "Sputnik" issue of the eighties. The next administration will also have to decide how to allocate federal science dollars. The challenge will be determining how to pay for several expensive "big science" projects in the works—such as the superconducting super collider, the space station, and the project to map human genes—without gutting federal support for traditional research efforts.

Several major environmental challenges have been put off until the next administration. Urgent problems include the widespread failure of cities to meet federal air quality standards, acid rain damage to eastern lakes and forests, and the depletion of the ozone layer from chemical emissions. More attention will also be given to non-hazardous waste. Recent news reports of the New York garbage barge, medical waste washing up along eastern beaches, and scores of communities with no more landfill space have highlighted the growing waste disposal crisis.

Policymakers will also have to address the problem of rising U.S. oil consumption. Despite plentiful supplies now, we are headed once again toward oil shortages and gas lines if we remain complacent about our future energy needs. A reassessment of the Reagan energy policy of sharply cutting federal funding for alternative energy resources and energy conservation is getting underway. Environmental concerns—global warming from the burning of fossil fuels and acid rain damage from power plant emissions—will also effect future U.S. energy policy.

SMART START LEGISLATION INTRODUCED

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. KILDEE. Mr. Speaker, I am pleased to be introducing legislation today to assist States and localities in establishing prekindergarten education programs. This measure is the House companion bill to S. 2270, introduced by Senator KENNEDY, which is commonly referred to as Smart Start.

I agreed to introduce this bill because it raises issues which deserve our attention. The additional preschool experience which Smart Start contemplates is a worthwhile addition to the vital framework that is represented by the Act for Better Child Care [ABC], which I introduced in November 1987, and Head Start. Along with these two crucial building blocks, Smart Start can be a valuable component in an overall strategy of support for children and families.

My first priority remains the immediate passage of the Act for Better Child Care. The Act for Better Child Care [ABC] is a comprehen-

sive bill which addresses the child care needs of families with children of all ages, from infancy through school-age. It would bring the Federal Government into a partnership with States and the private sector to help build a sensible child care delivery system. It would also help low- and moderate-income families pay for child care.

ABC addresses the variety of child care needs of working parents. Smart Start takes a narrower approach concentrating on a single, but important age group and is not a substitute for the ABC. Only the Act for Better Child Care contains all of the ingredients essential for a comprehensive child care system. These are: First, making child care more affordable for families who need it; second, increasing the supply and quality of child care; and third, establishing the minimum national standards that any prudent parent would want to protect the health and safety of their children.

An equally important priority is Head Start. Head Start has provided comprehensive childhood development services to poor children for over 20 years yet is able to reach only a fraction of these eligible for its outstanding services. This important program is up for reauthorization in the next Congress. Steps must be taken to ensure services for all Head Start eligible children by continuing to build this proven program which Congress has invested in so wisely since 1965.

As is the case with legislative proposals, Smart Start was written on Capitol Hill, not Mount Sinai. Questions regarding issues such as which entities shall be eligible to provide services, have already been brought to my attention. I welcome suggestions and recommendations for additional issues that should be looked at when this legislation comes up for consideration.

THE OIL PIPELINE REGULATORY REFORM ACT OF 1988

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. FIELDS. Mr. Speaker, today I am pleased to introduce the Oil Pipeline Regulatory Reform Act of 1988. This legislation is the product of long, intense discussions between the administration, the oil pipeline industry, shippers, and other interested parties.

Credit for achieving this compromise bill goes to the Department of Energy, the Department of Justice, and the Office of Management and Budget. Many individuals, too numerous to name, worked tirelessly to craft the Oil Pipeline Regulatory Reform Act. Additionally, I should commend the Vice President's Task Force on Regulatory Reform for their important assistance and for their strong support of oil pipeline regulatory reform.

The introduction of this package is an important step forward in resolving the regulatory quagmire now confronting oil pipelines. In 1906, the Hepburn amendment to the Interstate Commerce Act subjected oil pipelines to Federal regulation. At that time, 10,000 miles of oil pipelines existed, concentrated in the Northeast. Today, over 200,000 miles of oil

pipelines crisscross the lower 48 States with many lines competing head to head.

In a 1986 report analyzing the need for continued regulation of crude oil and refined petroleum product pipelines, the Department of Justice concluded that all crude oil pipelines and most product pipelines face effective competition. The Department recommended deregulation of all pipelines except those pipelines which possess significant market power.

The Oil Pipeline Regulatory Reform Act of 1988 follows the basic approach recommended in the May 1986 Justice Department report. That is, crude oil and product pipelines which are found to face effective competition would be deregulated; those which are found to have significant market power would remain regulated. However, the rates of pipelines with significant market power would be regulated through the establishment of price caps rather than the traditional rate-of-return regulation originally envisioned in the report.

Instituting price caps on rates instead of cumbersome rate-of-return regulation will protect shippers and consumers while saving millions of dollars in regulatory costs. The price cap regulatory approach was suggested by Commissioner Charles Stalon of the Federal Energy Regulatory Commission. I would be remiss if I did not thank Commissioner Stalon for the benefit of his well-reasoned views.

The Oil Pipeline Regulatory Reform Act deregulates the rates of competitive pipelines. However, deregulation is not total. All crude oil and product pipelines would retain common carrier obligations. Pipelines could not discriminate on the terms and conditions of service provided to its customers.

Why is this bill necessary now? From 1906 until the late 1970's regulation of oil pipelines by the Interstate Commerce Commission [ICC] worked reasonably well. However, the Department of Energy Reorganization Act transferred authority over oil pipelines from the ICC to the Federal Energy Regulatory Commission [FERC]. Recent judicial decisions have forced the FERC to move toward pervasive, utility-style rate regulation which is particularly ill-suited to a generally competitive industry.

Although it is late in the year, I urge my colleagues to give the Oil Pipeline Regulatory Reform Act serious consideration. I welcome comments from my colleagues and from others affected by oil pipeline regulatory reform. This bill is a good product, and I hope it will be the basis for moving forward on oil pipeline regulatory reform. I commend the bill to my colleagues' attention.

THE NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. CLINGER. Mr. Speaker, townships and small towns are key threads in the fabric that make up modern America; our small communities define the dreams of our generations and serve as a link with all of American history.

Preserving the values of rural America and its sense of community should be a top priority for us all, because in doing so, we preserve a valuable part of our Nation.

Those who serve as townships supervisors and officials do all of us a great service and should be commended. Being the government officials closest to the people, they are the ones who must deal with immediate concerns and problems. Their importance is evident because they offer a greater voice in government and a solid opportunity to influence the decisions that affect us all.

These townships officials and supervisors are bound together by a national organization that effectively represents the concerns of each community. The National Association of Towns and Townships [NATT] works as a crucial link between local government and the State and Federal levels. Their task is important, but they must have the support of the Federal and State governments to succeed.

The NATT's policy seeks to insure that local governments are given flexibility and discretion in implementing State and Federal programs. The NATT believes that the most productive nation is one which relies on a strong partnership of the Federal, State and local governments, with each party doing what it does best.

The National Association of Towns and Townships must be commended for its work and should have our support, for in supporting their work we are supporting the sense of community and responsibility that makes a nation strong.

TRIBUTE TO KASELAAN AND D'ANGELO ASSOCIATES ON ITS EIGHTH ANNIVERSARY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. TORRICELLI. Mr. Speaker, I rise today to pay tribute to Kaselaan and D'Angelo Associates, Inc. on the eighth anniversary of its founding. On September 19, 1980, William "Chip" D'Angelo and Valdur Kaselaan created a company dedicated to enhancing the science of environmental engineering. Little did they or the Nation know the vital role their company would soon play in protecting the lives of all Americans.

Located in Haddon Heights, NJ, Kaselaan and D'Angelo has led the fight to properly rid school, government, and commercial buildings of the hazards of asbestos. They have fought to professionalize this new industry, ensuring strict training standards for abatement. And they have substantially advanced the cleanup of asbestos with the introduction of specialized computer management systems and safety techniques.

In addition to asbestos, Kaselaan and D'Angelo is providing innovative solutions in many fields. Their marine and aquatic science division possesses one of a handful of "underwater rovers and side-scan sonars"; in the United States. Using these tools they have created a variety of underwater solutions to protect the environment.

Kaselaan and D'Angelo is now in the forefront of the most potentially important issue of all, indoor air pollution. As this issue begins to take center stage, the private sector must step forward to offer those solutions crucial to the protection of our citizens.

Joining with key staff like Betty Jane Watkins, Chip D'Angelo and Val Kaselaan have performed a vital role in the cleanup of our environment. They are the heart and soul of a company that deserves our applause. I commend them.

"PATIENT IDENTIFYING INFORMATION CONFIDENTIALITY ACT OF 1988"

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. LIGHTFOOT. Mr. Speaker, today Congressman FRANK HORTON and I are introducing legislation which seeks to protect the confidentiality of individuals whose identities are revealed in documents acquired or created by the Public Health Service (PHS). This legislation would require the Secretary of the Department of Health and Human Services to delete patient identifying information, such as a patient's name, Social Security number, address and telephone number from PHS medical records, including adverse drug reaction reports, before releasing those records to Congress. Currently, the Secretary of HHS does not have the authority to restrict congressional access to patient identifying information, even if the patient requests that his identity be kept confidential.

This legislation is essential in ensuring that a patient's privacy is protected and that the physician/patient relationship is not jeopardized. Few matters are as private or as personal as an individual's medical condition. Typically, only an individual's physician has access to or is familiar with the medical records of that individual. However, in some cases, the Public Health Service, which includes the Food and Drug Administration, the National Institutes of Health, and the Centers for Disease Control, collects medical information about an individual, such as an adverse drug reaction report or documents pertaining to medical treatment at a Federal clinic. Once that information is in the possession of the Public Health Service, Congress has a right to review those records, including any patient identifying information.

While I acknowledge that Congress has important oversight responsibilities and has a legitimate right to review agency records and documents, Congress should not have access to patient identifying information contained in those documents. This legislation is not designed to deny Congress' right to review these documents, instead it seeks to permit the Secretary to remove patient identifying information from the records before releasing them to Congress. This would allow Congress to perform its oversight responsibilities while also ensuring that a person's identity is protected.

Protecting the confidentiality of a person's medical records has become even more im-

portant in light of the AIDS epidemic. The House will soon consider legislation designed to protect the identities of individuals who have tested positive for the HIV virus. This AIDS legislation includes strong provisions ensuring that a person's identity is not disclosed. We need to extend this protection of confidentiality to all individuals, including those whose identities are revealed in Public Health Service documents. Individuals deserve and expect to have their medical records kept confidential, and we should make sure that this occurs by considering the legislation that Congressman HORTON and I offer today.

I encourage my colleagues to cosponsor this bill and to push for its passage.

PERSONAL EXPLANATION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mrs. SCHROEDER. Mr. Speaker, I was absent Friday, September 9. Had I been present, I would have voted as follows:

Roll No. 303: "Yea."

Roll No. 304: "Yea."

Roll No. 305: "Nay."

Roll No. 306: "Yea."

Roll No. 307: "Nay."

THE WATER RIGHTS OF UTE INDIAN TRIBE

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. OWENS of Utah. Mr. Speaker, I am introducing today, a bill to settle issues relating to the water rights of the Ute Indian Tribe of the Uintah and Ouray Reservation, UT, and for other purposes.

I am committed to resolving the claims of the Ute Indian Tribe against the Federal Government which stem from a long history of agreements between the United States and these native Americans and breaches of those agreements.

This bill must not mistakenly be construed to be a charitable act toward the Ute Indians. The claims are based on a binding contract, in essence, a treaty with the United States, which the United States has knowingly chosen to breach for its own purposes.

If the Federal Government is not required to fulfill its obligations, a gross unfairness will be imposed upon the State of Utah. Utah's citizens would then be called upon to fulfill what is in reality, a national responsibility.

While I am not committed to every provision of this bill, I am committed to a speedy resolution of the claims, now asserted by the Ute Indian Tribe, most of which I believe to be valid.

INTRODUCTION OF LEGISLATION RETROCEDING CONCURRENT JURISDICTION OVER LORTON TO VIRGINIA

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. PARRIS. Mr. Speaker, I have today introduced legislation retroceding to the Commonwealth of Virginia, concurrent jurisdiction over the lands which make up the Lorton Reformatory complex operated by the District of Columbia.

This complex is comprised of approximately 3,000 acres which were transferred to the control of the Federal Government in nine separate parcels between 1910 and 1959. The Federal Government subsequently leased the lands to the District of Columbia which is itself a Federal entity.

As we all know, the situation at the Lorton Reformatory reached crisis proportions as long as a decade ago and it has continued to rapidly deteriorate. The response of the so-called leaders and correctional system managers in the District of Columbia has consistently been lip service and buckpassing.

There have been several escapes from Lorton this year alone—one of whom, a murderer, simply got into a correctional officers car and drove away.

The Lorton facilities have been severely overcrowded for the last 8 years, consistently exceeding court-ordered population caps more recently. This overcrowding has precipitated large scale riots, the burning of the Occoquan facility, health threats to those living both inside and outside the facility. In general, the facility has become unmanageable.

All the while, Virginia and Fairfax and Prince William Counties have had to sit idly by and watch the situation at Lorton deteriorate. The counties, lacking the jurisdictional authority to compel the District to do anything, have instead had to rely on the good faith of the District to manage the threat to Virginia residents and to promptly notify the counties of any uprisings or escapes. The District has failed with flying colors to fulfill its good faith commitment.

The legislation I have introduced today would give to Virginia joint governmental, judicial executive, and legislative power and jurisdiction over these lands. In other words, the prison and its occupants would remain under the control of the District of Columbia. However:

If the District wants to build there, any structure must be constructed consistent with the Fairfax County building code and zoning restrictions.

If there are so many prisoners incarcerated at Lorton that the sewage treatment facilities cannot handle the load, as is currently the case, the Fairfax and Virginia can seek to prohibit any more prisoners.

If there are so many prisoners housed at one of the facilities that they pose a direct threat to the residents of Prince William and Fairfax Counties, then Virginia can again seek to limit the facility's population.

If there is an escape or an uprising at Lorton, the counties can institute mandatory notification procedures rather than relying on good faith of the District.

This legislation is not only essential to protecting the health and safety interests of the area's residents, but it is a fair and realistic way of addressing the injustice of the current jurisdictional arrangement. Nowhere else in the Nation does a sovereign State have to suffer as host to a prison from another jurisdiction without any say in the operation of that facility.

My legislation will most likely be jointly referred to the House Public Works Committee and the District of Columbia Committee, of which I am vice chairman. I am hopeful it will see some action during this session of Congress.

CITE AS: CHAPTER 482 OF THE VIRGINIA ACTS OF ASSEMBLY OF 1902

Chapter 482.—An Act ceding to the United States exclusive jurisdiction over certain lands acquired for public purposes within this State, and authorizing the acquisition thereof.

APPROVED APRIL 2, 1902

1. Be it enacted by the general assembly of Virginia, That the consent of the State of Virginia is hereby given, in accordance with the seventeenth clause, eighth section, of the first article of the constitution of the United States, to the acquisition by the United States, by purchase, condemnation, or otherwise, or any land in this State required for sites for custom houses, court-houses, postoffices, arsenals, or other public buildings whatever, or for any other purposes of the government.

2. That exclusive jurisdiction in and over any land so acquired by the United States shall be, and the same is hereby, ceded to the United States for all purposes except the service upon such sites of all civil and criminal process of the courts of this State; but the jurisdiction so ceded shall continue no longer than the said United States shall own such lands.

3. The jurisdiction ceded shall not vest until the United States shall have acquired the title to said lands by purchase, condemnation, or otherwise; and so long as the said lands shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exempt and exonerated from all State, county, and municipal taxation, assessment, or other charges which may be levied or imposed under the authority of this State.

4. This act shall take effect and be in force from and after its passage.

§ 7.1-18.1. Conditional consent given to acquisition of lands by United States; concurrent jurisdiction ceded.—A. On and after July 1, 1981, the conditional consent of the Commonwealth of Virginia is hereby given in accordance with clause 17, § 8, Article 1 of the United States Constitution to the acquisition by the United States, or under its authority, by purchase, lease, condemnation, or otherwise, of any lands in Virginia, whether under water or not, required for customhouses, post offices, arsenals, forts, magazines, dockyards, military reserves, or for needful public buildings.

B. The acquisition by condemnation of any property within the Commonwealth, not expressly consented to in subsection A of this section, shall require the prior approval of the General Assembly.

C. Over all lands hereafter acquired by the United States, the Commonwealth, hereby cedes to the United States concurrent governmental, judicial, executive and legislative power and jurisdiction.

There is hereby expressly reserved in the Commonwealth, over all lands so acquired by the United States, the jurisdiction and power to levy a tax on oil, gasoline and all other motor fuels and lubricants thereon owned by others than the United States and a tax on the sale thereof, on such lands, except sales to the United States for use in the exercise of essentially governmental functions. There is further expressly reserved in the Commonwealth the jurisdiction and power to serve criminal and civil process on such lands and to license and regulate, or to prohibit, the sale of intoxicating liquors on any such lands and to tax all property, including buildings erected thereon, not belonging to the United States, and to require licenses and impose license taxes upon any business or businesses conducted thereon. For all purposes of taxation and of the jurisdiction of the courts of Virginia over persons, transactions, matters and property on such lands, the lands shall be deemed to be a part of the country or city in which they are situated. Any such acquisition by or conveyance or lease to the United States, as is herein provided for, shall be deemed to have been secured or made upon the express condition that the reservations of power and limitations hereinabove provided for are recognized as valid by the United States and, in the event the United States shall deny the validity of the same, as to all or any part of such lands, then and in that event, the title and possession of all or any such part of such lands, conveyed to the United States by the Commonwealth, shall immediately revert to the Commonwealth.

Nothing herein contained shall affect any special act heretofore or hereafter adopted ceding jurisdiction to the United States, nor any deeds executed pursuant to § 7.1-21. (1976, c. 211; 1981, c. 533.)

TRIBUTE TO BETTY TURNER

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. MATSUI. Mr. Speaker, I am truly honored to rise today to pay tribute to a most distinguished member of the Sacramento community, Betty Turner. It is a great pleasure to be able to salute a woman who has done so much for the seniors in our city.

Betty ends her tenure as the director of the Sacramento County Commission on Aging. She has been chief executive officer during a period in which senior programs have become a leading issue, and her commitment to senior issues has helped to make the commission a vital service to the county. Her own desire to see a greater public awareness of the necessity of caring for our seniors has led to her forging links with State legislators and administrators for the good of the commission.

Betty's responsibilities with the commission have been only a part of her contribution to caring for our elders. She has previously served the community as office manager of the Galt Helping Network Project, and as a registered nurse in hospital and community

settings, and these practical skills were reinforced when she graduated from U.C. Davis in 1980 in applied behavioral science. This office approach is backed by lifelong experiences with elderly friends and relatives, not to mention her family. Indeed, Betty is herself a senior.

Mr. Speaker, on Friday September 16, 1988, many of her friends and colleagues will join with Betty in Sacramento for a reception in honor of her years of distinguished service. I am only sorry that I am unable to be on hand to present this tribute. Betty is unquestionably a fine example to all those seeking to serve the community, and it is an honor to thank her for her contributions to Sacramento County, and to pass on my warmest wishes for her continued success.

PERSONAL STATEMENT

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. NOWAK. Mr. Speaker, on September 9, 1988, commitments in my district prevented my remaining to vote on the last rollcall of the day. I would like the record to show that had I been present, I would have joined the majority in voting "yea" on roll No. 307, to insist on the House language of the Hyde amendment to the Labor-HHS appropriations.

A TRIBUTE TO THE REPUBLIC OF CHINA

HON. CARL C. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. PERKINS. Mr. Speaker, in paying tribute to the Republic of China, whose National Day is to be celebrated Monday, October 10, certain images of the country might come to mind:

A picturesque, mountainous island surviving precariously under the looming shadow of Communist mainland China;

A producer of cheap, low-quality goods and purveyor of shoddy clones of reputable Western products;

An alien culture with only self-serving trade policies;

A minor-league player in the world markets, an economic upstart.

Although in size no larger than the State of Delaware, Taiwan is in 1988 already an economic powerhouse as well as a laudable example of democracy, a vital trading partner—the United States fifth largest—and a needed ally in the Far Eastern sphere.

With a trade surplus vis-a-vis the United States of some \$1 billion a month with a per-capita GNP of \$6,000 and present cash reserves of United States \$75 billion, the Republic of China is now the world's 11th largest trader. It is now more important than ever for relations between our two countries to be fine tuned to insure continued economic success and mutual understanding.

Whatever people in the past have liked to believe, or failed to understand about this island republic, we can no longer fail to concede Taiwan's right to be ranked among the major world trade powers.

Her standing as a leading model of democracy, her importance as a trade and financial center, and her standard of living are a tribute to her people and to her leaders. We in the United States note her accomplishments and wish her President, Mr. Lee Teng-hui, and her representative to the United States Mr. Ding Mou-shih, another eight decades of prosperity and good fortune.

IN REMEMBRANCE OF HELEN FARABEE

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. PICKLE. Mr. Speaker, the State of Texas suffered the loss of one of its finest and most dedicated public servants in July with the death of Helen Farabee.

In working closely with her husband, former State Senator Ray Farabee, Helen made a meaningful difference in the lives of millions of Texans whom our society too often overlooks: The mentally ill and retarded, those too poor to pay for basic health care, and countless other less privileged citizens.

The quality of life for these Texans is significantly improved because of the tireless efforts of Helen Farabee. She leaves a lasting mark on the history of the State of Texas, and it is a better place because of her good works.

I know my colleagues will want to join me in extending our profound and heartfelt sympathy to Ray Farabee, who has left the State Senate to work as the general counsel of the great University of Texas system, and to the other members of the Farabee family and all of Helen's close friends and associates. Her loss will be keenly felt.

Mr. Speaker, I want to submit for the RECORD these published comments about the life and accomplishments of Helen Farabee, authored by longtime political observer Sam Kinch and Texas State Representative Lena Guerrero of Austin.

[From the Dallas (TX) Morning News, Aug. 5, 1988]

HELEN FARABEE: A DO-GOODER WHO KNEW BACKSTAGE POLITICS

(By Sam Kinch)

Too often in life, we don't recognize—seriously—what others have done before their deaths.

That's part of the story of Helen Farabee, who died last week. She was truly one of God's chosen people.

But there's an untold public story about Helen Farabee: She was, in addition to being a do-gooder, a hell of a character.

Here was a tall, somewhat gangly, gregarious Yankee who came to Texas because she fell in love with a guy who happens to be, also, a sterling person. And while after nearly 30 years here she still talked a little bit funny for native Texan ears, Helen Farabee got to be one of the better backstage Texas political operators.

The reason: Perhaps as well as anyone did in the last three decades, Helen Farabee learned how to "work" the good-ole-boy system of Texas politics.

She did it, in part, because of her husband's career in public life. Ray Farabee, one of the most decent folks to serve in public office in the last half of this century, was a state senator for 14 years until he resigned this winter to become a vice chancellor and general counsel for the University of Texas system.

During his Texas Senate tenure, he was, if it's not an oxymoron, a businessman's liberal. He fought the business fights for reform of the civil judicial system, for example. But he also fought for the rights of criminal defendants and prison inmates. He was on the side of business in head-on tax battles, but he also wanted a reasonable share of taxes devoted to human services.

An it's in that area, basically, where Helen Farabee the senator's wife became a public person herself.

Perhaps as much as anybody in the 1970s and 1980s, she was, as a 1950s college graduate, an activist of the 1960s model. That is to say, she believed in direct confrontation of problems and, when necessary, direct action against the established, comfortable forces of inaction or reaction.

Helen Farabee served on a series of task forces that studied problems of service delivery in Texas government. But while keeping her eye on the prize, she never lost sight of those who were part of the system by which the problem would be solved.

She did not pander. That wasn't her style. She would "present" information or an agenda. And if that wasn't persuasive, she would cajole like a county commissioner from late 19th-century rural Texas.

Helen Farabee worked a task force like a cotton gin does its raw material: You break it down into components, move what's useful or practical to one side, spend time dealing with that fruitful portion and toss out the rest—with the hope that all or part of it still might be used later.

Helen Farabee could work the system both ways: She could be a mechanic dealing in policy and program and personnel details, but she also was a big-picture person who never forgot why the study was under way in the first place.

From a place of relative privilege and affluence, she was an advocate for those who have neither status nor money—the poor, the sick, the socially afflicted, the mentally ill.

Indeed, one of the funnier stories following her Austin memorial service has to do with a not untypical Farabee exercise.

Five or six years ago, Helen Farabee began a series of fund-raisers for the Texas Mental Health Association. Her husband was not only a senator, but one of the senators most closely tied to the Senate leadership.

He didn't need campaign money for himself (they were relatively rich, remember, and he had no opposition of consequence). So she proceeded to use his name and hers to raise money for mental health spending supplements for the state-financed department.

The affairs began modestly, at about \$1,000 per table. But when Helen Farabee learned that the business lobby was sensitive to Sen. Ray Farabee's fund-raising activities for whatever cause, the cost quickly escalated to as much as \$10,000 per table for corporate sponsors.

It would have been illegal, of course, for corporations to give to a political campaign.

But it was and is legal to use a prominent person's name to raise money for a public, charitable cause like mental health.

But in order to avoid an embarrassment of corporate riches, the business lobby sponsors of the annual affair would be kept separate from the rest of the crowd as guests honored various fund-raising figures—including political heavyweight Jess Hay and his wife, Betty Jo, and Lt. Gov. Bill Hobby and his wife, Diana.

That's why Helen Farabee was so good. She learned the political system, took control of it in the public interest and helped make it work. She made us all better for it. And, in the process, she established a paradigm for everybody—not just political wives with do-gooder instincts.

A SPECIAL TRIBUTE TO A SPECIAL LADY: MRS.

HELEN FARABEE

(By Lena Guerrero)

A very special lady who did a great deal for a great many is not with us anymore.

Helen Farabee, the wife of former State Senator Ray Farabee (D-Wichita Falls), died July 28 in Austin of complications resulting from phlebitis and lung cancer.

Mrs. Farabee leaves an astounding list of accomplishments and contributions. Her service to the citizens of Texas serve as a vivid reminder of the impact that one committed individual can have at so many levels, in so many ways, and in so many lives.

Mrs. Farabee began her work in health care reform in her home community of Wichita Falls. She once described her direction into health care reform as coming from a phone call requesting that she volunteer at the Wichita Falls State Hospital. Several years later she was chosen president of the Wichita County Mental Health Association. Within a decade, she became state president.

Helen Farabee held many statewide leadership roles over the years. From 1978 to 1981, she chaired the Special Senate Committee on Delivery of Human Services, which led to the creation of the Texas Health and Human Services Coordinating Council.

The Mental Health Code Task Force she chaired from 1981 to 1983 resulted in the first major revision of the state mental health code since 1957. Many of the advances in the rights of the mentally ill in Texas were a result of those revisions. Mrs. Farabee was also instrumental in the creation of the Texas Department of Mental Health and Mental Retardation in the mid-1960s.

In 1983, Governor Mark White appointed Mrs. Farabee to a 30-member Governor's Commission for Women and named her chair of the Problems and Issues Committee. Pursuant to the work of that committee, the Legislature passed a bill allowing citizens to vote on a Constitutional amendment that would authorize wage garnishment for delinquent child support payments. In 1985, she was inducted into the Texas Women's Hall of Fame.

She chaired the Governor's Task Force on Indigent Health Care from 1983 to 1985. Mike Hudson, Texas director of the Children's Defense Fund, worked with Mrs. Farabee to pass the Indigent Health Care Act in 1985 and said, "Texas would not have an indigent health care program if not for Helen Farabee."

Noting her ability to work with all segments of the Community and bring them together, Hudson described Mrs. Farabee as a

"statewide troubleshooter" and said, "She was willing, if we ran into a problem in the Valley or in El Paso, to fly there and meet with the providers and the local officials and work out their problems."

Last session, the Legislature created the Child Day Care Advisory Committee of the Texas Employment Commission. Helen Farabee was appointed to serve on that committee, which was given the responsibility for providing information and technical assistance to public and private employers for offering child day care as an employment benefit.

Mrs. Farabee also served as chair of the United Way of Texas Child Care Working Group. She worked at the Benedictine Resource Center in public policy and served on the Commission on the Mental Health of Adolescents and Young Adults.

When Ray Farabee resigned from his seat in February of this year to become vice chancellor and legal counsel for the University of Texas System, Helen Farabee sought to replace him. She withdrew her candidacy after a committee of county Democratic chairs chose someone else to replace Ray Farabee on the general election ballot.

A tireless advocate, Mrs. Farabee never gave up in the quest to provide services to the needy, despite resistance from many who said such programs were unworthy or unnecessary. She once said it always seemed that "people didn't want to be bothered by the facts." Her life can be characterized as one devoted to the improvement of our public services that help the children, the poor, the disabled, the elderly, the abused, and those otherwise unable to help themselves.

State Treasurer Ann Richards said, "She counseled the powerful about the needs of the powerless, and because she always spoke with reason and decency, she was heard." Ms. Richards served with Helen Farabee on a statewide panel on human services.

We can say that Helen Farabee was willing to work for change and for a better world. We can say she listened to and spoke on behalf of those whose voices are not often heard. We can say that she made a difference in our state. We can say thank you. And we can know she will be sorely missed.

THE SECOND INTERNATIONAL VAGINAL SURGERY CONFERENCE

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. BUECHNER. Mr. Speaker, I rise today to mark the occasion of the Second International Vaginal Surgery Conference and the revolution in women's health care it represents. Traditional hysterectomy surgery is the Nation's second most common surgical procedure, with an estimated 680,000 surgeries each year at a cost of \$1.7 billion. In a dramatic discovery, physicians have pioneered a new technique which performs hysterectomy surgery vaginally without the need for incision.

It is this discovery which brings a most distinguished assembly of specialist physicians from around the world to St. Louis, MO, to build on the growing body of knowledge developing daily on this exciting new frontier.

Under the direction of conference director S. Robert Kovac, M.D., one of the world's foremost practitioners of this new technique, the nearly 300 attendees will bring some of the greatest minds in medicine to bear on the challenges alternative practices represent.

Mr. Speaker, in a year in which we have paid close attention to the future of health care and the pursuit of women's issues, we must not neglect the discovery of viable and cost-effective new options in the field of women's health care. The pioneering effort of Dr. Kovac and his colleagues reminds us all that meeting health needs is not simply a matter of repeated medical and surgical routine, but is in addition the invention of new and better techniques and practices to insure the health and well-being of our citizens. It would serve this Nation and the rest of the world well to recognize and salute the efforts of Dr. Kovac and the many physicians and surgeons who will carry the practice of health care into the next century.

SALUTE TO THE GOLD COAST REGIONAL SENIOR OLYMPICS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. LAGOMARSINO. Mr. Speaker, I wish to bring to the attention of my colleagues, the fourth annual Gold Coast Regional Senior Olympics, previously known as the Ventura County Senior Olympics. The Olympics will begin with a ceremony at the Ventura County Board of Supervisors chambers at 9:30 a.m. on September 20, 1988. The honorary chairman, California Senior Legislature Assemblyman Leigh Strohbehn, will turn on the perpetual light which will remain lighted throughout the 2½ weeks of the games.

Minimum age for participation is 55 years and winners of some events may have the opportunity to qualify for participation in the National Senior Olympics.

The events will be scheduled in various cities in Ventura County and will consist of badminton, ballroom dancing, billiards, bicycling, bowling, golf, horseshoes, lawn bowling, shuffleboard, slow pitch softball, swimming, table tennis, tennis, and walk-run.

Last year more than 400 senior athletes participated in the Olympics, over 500 are expected to participate this year, including six softball teams.

Please join me in wishing all the participants the best of luck in their events.

TRIBUTE TO COLONEL GEORGE K. HOERTER

HON. FRED GRANDY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. GRANDY. Mr. Speaker, I would like to take this opportunity to pay tribute and say a special thank you to Lt. Col. George J. Hoerter, U.S. Air Force, for his unmatched professionalism and leadership displayed as

Deputy Chief, and Division Chief of the Weapons System Liaison Division, Air Force Office of Legislative Liaison.

Joe Hoerter's keen insight into the many complex issues that arise from our review of the defense budget has aided immeasurably in our understanding of Air Force programs. He has built strong, personal relationships with key Senators, Congressmen, and staff through his honesty and professionalism. He knows the congressional system, and on every occasion, has provided us the answers we needed quickly and with the benefit of his broad experience.

Colonel Hoerter is a command pilot with over 3,500 hours of flying time, including service as a strategic airlift pilot and chief test pilot of the NKC-135, Airborne Laser Laboratory. In addition, he has held staff positions of increasing responsibility, including program management, acquisition, and finally Division Chief of the Air Force Legislative Liaison, Weapons Systems Division.

The distinctive accomplishments of Colonel Hoerter culminate a distinguished career of over 20 years in the service of his country. I am both pleased and privileged to have worked with this outstanding officer, and I wish him every success as he leaves the Air Force.

THE 75TH ANNIVERSARY OF SHEARITH-ISRAEL

HON. MAC SWEENEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. SWEENEY. Mr. Speaker, I rise today to pay tribute to the congregation of Temple Shearith-Israel in Wharton, TX, as they celebrate the 75th anniversary of their founding.

In addition, as this congregation prepares to celebrate Rosh Hashana, I would like to offer each and every member of this synagogue my most sincere wishes for a happy and prosperous New Year.

The high holidays have always occupied a place of special importance in the Jewish calendar. This celebration of the Jewish New Year serves as a symbolic reminder of the strength of Judaism to withstand 5,749 years of oftentimes tumultuous history, as well as the eternity through time of G-d's chosen people.

But this year, in particular, carries an even greater measure of weight for this synagogue because it marks a milestone in the history of this congregation. The event to which I refer, of course, is the 75th anniversary of Congregation Shearith-Israel, commemorating no less than three-quarters of a century of service to G-d and humankind.

Under the leadership of Rabbi Aaron Weinberg, members of this congregation have been at the forefront of progress in their community. Their unselfish service to the city of Wharton and beyond has been greatly appreciated both by members of their faith and by those of other religious denominations as well. The dedication these members have shown in strengthening and preserving Judaism may serve as a model to us all.

My commitment to Israel has always been a strong one, and I promise that it will continue to be so in the future. I share with the members of this most esteemed congregation a deep loyalty to the State of Israel, and a firm belief in the preservation of its sanctity. Because of their efforts as members of the Jewish community, Israel was born, and because of their continued support, Israel remains strong.

I am honored to ask my colleagues in the House of Representatives to join me in congratulating the members of Congregation Shearith-Israel as they celebrate 75 years of strong support and leadership that this synagogue has provided to the Jewish community. May this Rosh Hashana usher in for all of them a year of health, happiness, and prosperity. And may the Heavenly Father bless our country and Israel, bestowing upon us all that most precious gift, the gift of peace.

A+ TO MARYETTA ELEMENTARY SCHOOL

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. SYNAR. Mr. Speaker, this week 29 people from Stilwell, OK, are in our Nation's capital to join other school officials being honored by President Reagan. Maryetta Elementary School, a predominantly Indian school in the northeastern Oklahoma foothills, is one example of where elementary education shines, according to the final report of Education Secretary William J. Bennett.

Maryetta is one of only seven schools in the United States singled out for special recognition in Secretary Bennett's report entitled "James Madison Elementary School: A Curriculum for American Students."

The report noted that in 20 years Maryetta has grown from a two-room building with a few dozen students to a sprawling modern structure with nearly 400 students in kindergarten through eighth grade.

The student body is almost 80 percent Native American, and virtually all of the students participate in school lunch and breakfast programs. Maryetta teaches a traditional English program as well as a Cherokee language class where Indian and other students work side by side.

Principal Carthel Means is a community leader who knows the secret of public education: "Everyone gets involved." He points out that the school's program stresses language skills, a hands-on science curriculum that encourages understanding through observation, a rigorous math program, and social studies lessons that include field trips to local historical sites. Daily student attendance is a remarkable 97 percent, and the school voluntarily lengthened its school day by 30 minutes. Standard achievement tests show 80 percent of Maryetta students performing above the national average in reading and mathematics.

Mr. Speaker, I am proud to represent the people of Stilwell and Maryetta School. I join with others today who celebrate a school and

community which provides a shining example of education excellence for the whole Nation.

**THE 48TH FIGHTER SQUADRON
ASSOCIATION (14TH FIGHTER
GROUP) HONORS WALTER A.
WHITE**

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. TORRES. Mr. Speaker, I ask my colleagues to join with me today in saluting Walter A. White, lieutenant colonel, USAF, retired. Lieutenant Colonel White will be honored at a national reunion of the 48th Fighter Squadron Association and 14th Fighter Group, 15th Air Force on September 20, 1988, in Sacramento, CA.

Lieutenant Colonel White distinguished himself as a squadron leader and combat fighter pilot in Africa and Italy, from 1943 through 1945, flying 85 missions against the enemy scoring 4 victories as well as leading his men to recognition as the top locomotive busting squadron in that theater of operations. He was decorated with the Air Medal with 14 clusters, the Distinguished Flying Cross with 1 cluster, the French Croix de Guerre unit citation and 8 battle stars.

When hostilities broke out in Korea, Colonel White was immediately recalled because of his excellent record. He again distinguished himself by flying 325 support sorties over enemy territory from Japan and Indo-China bases from 1951 to 1954 and was recognized with the Bronze Star citation.

Walter A. White was raised in Portland, OR. His interest in flying began in high school. He joined the U.S. Army in March 1942 and was accepted by the U.S. Army Air Corps in September 1942. He graduated as a pilot at Williams Field, AZ, in July 1943 and began his combat experiences 2 months later in Africa.

Colonel White is one of the most respected commanders in the history of the 48th Fighter Squadron.

In September 1965, Lt. Col. Walter A. White was given a medical discharge just 1 month prior to his scheduled appointment to a full colonel in the U.S. Air Force. He has been on kidney dialysis since 1977. He and his wife, Gerri now live in Sacramento; they have no children.

Mr. Speaker, I ask my colleagues in the House to join with me in saluting Lt. Col. Walter A. White, a brave individual, a man who has given of himself to his country above and beyond the call of duty.

FRANCES DUNCAN TO RETIRE

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. DARDEN. Mr. Speaker, our right to vote freely for the people we believe will best represent us in public office is among our most cherished freedoms as Americans. Of course, the effective exercise of that right to vote de-

EXTENSIONS OF REMARKS

mands that the elections process itself be operated in a way which assures fairness and accuracy.

During the 21 years that she has served as director of the elections division in the Georgia secretary of state's office, Mrs. Frances Duncan has helped assure the integrity of elections in our State. Now, she is making plans to retire in December. I would like to commend her for many years of devotion to this most important duty, and call my colleagues' attention to her accomplishments.

Mrs. Duncan's career with the State of Georgia began in 1964, when she became a tour guide at our State capitol in Atlanta. She moved on to become a clerk in the secretary of state's office, then assumed leadership of the elections division when it was formed in 1967.

Over the years, her department has grown from 1 person to 14. Its responsibilities now include administration of State and Federal campaign and financial disclosure requirements, the commissions division, business transactions reporting guidelines, registration of lobbyists and, of course, all State elections.

While serving in the Georgia House of Representatives a few years ago, I worked with Mrs. Duncan to develop legislation for the nonpartisan election of judges. I have always found her to be a most responsible and capable public servant, one who understands her sacred trust as the manager of our elections process. I am pleased to say that, during her 21 years as head of the elections division, there has never been a serious complaint about the elections process.

Frances Duncan has served her State and its people well over the years. I would ask my colleagues to join me in extending to her our wishes for a healthy and happy retirement.

**CONGRESSIONAL VIGIL FOR
SOVIET JEWRY**

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. LEHMAN of Florida. Mr. Speaker, I am honored to add my voice to the 1988 Congressional Call to Conscience Vigil for Soviet Jewry. This program brings to light the situation of thousands of Soviet Jews whose wish to emigrate from the Soviet Union has not yet been fulfilled.

This week marks the beginning of the Jewish New Year, and hopefully a renewed dedication to the plight of refuseniks in the Soviet Union who are denied the right to emigrate or observe the traditions of Judaism. It is in this spirit that I would like to highlight the case of Evgeny Lein and his family.

I still remember the sobering meeting I had with Evgeny Lein during my trip to Leningrad in 1984. He has suffered from beatings and the physical and mental deterioration that comes from years of mistreatment and frustration. Evgeny Lein, his wife Irina, and son Alexey have been requesting permission to immigrate to Israel since 1978. Their sole wish is to be reunited with their daughter Sasha who emigrated in 1987 with her husband.

When Evgeny first applied to emigrate, he was denied permission because he served in the army between 1969 and 1970. Due to this, the Government stated that it would not be in the best interest of the Soviet Union to grant permission. Evgeny's security clearance was lifted in March of this year. Now, his wife Irina is being unfairly branded as a security risk due to a job she held 10 years ago, in which the Government claims she had access to secret information. Though Irina's former employer agrees that she did not work with secrets, he refuses to put this in writing. Even Gorbachev, in his October 1985 meeting with French President Mitterand, stated that security restrictions have a statute of limitations of 5 years. Since the Lein's son, Alexander, who is still 17 years old, has not yet been drafted into the army, he is not barred from emigrating.

We must join Evgeny Lein in questioning whether glasnost also benefits the Soviets living today or is relegated to rewriting history books. We must continue to press for the release of Evgeny Lein and other refuseniks who have yet to experience any improvement in their lives.

**CAPITAL PUNISHMENT AND
DRUG ABUSE—RELIGIOUS
LEADERS CONDEMN CAPITAL
PUNISHMENT**

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1988

Mr. CLAY. Mr. Speaker, why is it necessary to kill people who kill people to prove to people that killing people is wrong? That is precisely what those who support attaching a death penalty amendment to drug abuse legislation recommend. Mr. Speaker, every major religion in this country has gone on record in opposition to the use of capital punishment.

The U.S. Catholic Conference—the corporate title is the Catholic Bishops of America—in 1974 and again in 1980 declared their abhorrence to the death penalty. Meeting in November 1980, the Bishops issued a 3,500 word position paper stating their position on capital punishment was a "Manifestation of our belief in the unique worth and dignity of each person, a creature made in the image and likeness of God." They admit that society not only has a right but also a need to punish those who violate the law. Citing necessity to protect the public from dangerous persons, they insist such needs, "neither require nor justify taking the life of the criminal, even in cases of murder." There seems to be no middle ground for Catholics on this basic question of morality according to American Catholic Bishops.

The Bishops stated:

We believe that in the conditions of contemporary American Society, the legitimate purposes of punishment do not justify the imposition of the death penalty. In the first place we note that infliction of the death penalty extinguishes possibilities for reform and rehabilitation. Second, the imposition of capital punishment involves the possibi-

ty of mistake. Third, the legal imposition of capital punishment in our society involves long unavoidable delays. Delay also diminishes the effectiveness of capital punishment as a deterrent. Fourth, we believe that the actual carrying out of the death penalty brings with it great and avoidable anguish for the criminal, for his family and loved ones, and for those who are called on to witness or to perform the execution. Fifth, in the present situation of dispute over the justifiability of the death penalty and at a time when executions have been rare, executions attract enormous publicity, much of it unhealthy, and stir considerable acrimony in public discussion. Sixth, there is a widespread belief that many convicted criminals are sentenced to death in an unfair and discriminatory manner.

Bishop Edward D. Head of Buffalo, who assisted in drafting the position paper for the conference said, "Our statement was grounded in the belief that the taking of life should not be answered by more violence in the taking of (more) life."

The leadership of the American Catholic Church is unalterably opposed to capital punishment. The same as members of other denominations, there is no possible equivocation for Catholics on this basic question of morality. Their November 1980 resolution condemning the death penalty passed by a vote of 145 to 31 with 14 not voting.

JUST SAY NO TO DEATH PENALTY

Mr. Speaker, a coalition of distinguished American church leaders opposed reinstatement of the death penalty for certain Federal crimes in 1981. In so doing, they demonstrated their opposition to capital punishment in a broad-based attack on Senate bill 114, introduced by Senator STROM THURMOND of South Carolina. The bill would have allowed capital punishment for a number of Federal crimes. In a strongly worded letter written to every Member of the U.S. Senate, 14 of the most prestigious religious leaders in America opposed the reinstatement of the death penalty. The letter stated in part:

The religious traditions which we represent share a common belief that all human life is sacred. We believe that every individual has a unique worth and dignity which is given by God * * * We believe that the penalty fails to achieve the goal of protecting society and in fact perpetuates this tragic cycle of vengeance and violence.

The list of signatories of the letter read like "Who's Who" in American Judeo-Christian society: The Rt. Reverend John M. Allin, Presiding Bishop, the Episcopal Church (I.S.A.); Ross T. Bender, moderator, Mennonite Church General Assembly; Bishop James R. Crumley, Jr., Lutheran Church in America; Arie R. Brouwer, general secretary, Reformed Church in America; Rabbi Alexander M. Schindler, president of the Union of American Hebrew Congregations; Bishop H. Ellis Finger, Jr., president, Council of Bishops, the United Methodist Church; Avery D. Post, president, United Church Christ; William P. Thompson, State clerk of the general assembly, United Presbyterian Church in the United States; Kenneth L. Teegarden, general minister and president, Christian Church—(Disciples of Christ); Stanley Bohn, executive secretary for home ministries, General Conference Mennonite Church; James E. Andrews, State clerk,

the General Assembly of the Presbyterian General Board, Church of the Brethren; Rev. Msgr. Francis J. Lally, secretary, Department of Social Development and World Peace, U.S. Catholic Conference; and Rev. Dr. Eugene Pickett, president, Unitarian Universalist Association of Churches in North America.

The introduction of the bill, which calls for the death penalty in cases of espionage, sabotage, treason, and murder on Federal property—and passage in the Senate, are signs of the times. Despite the lack of evidence that these crimes are increasing, the Senate in its collective wisdom passed the bill. Mr. Speaker, now we are confronted with another attempt to impose the death penalty in cases involving narcotic trafficking. There is absolutely no empirical study showing that the death penalty deters crimes or criminals and certainly no reason to believe that its threat will stop incorrigibles from dealing drugs.

Even when the Federal Government was empowered to use the death penalty in cases against civilians, only rarely was it imposed. The only two civilians ever convicted in a Federal court and executed for espionage were in the nuclear spying case of Julius and Ethel Rosenberg in 1953.

The 14 signers of the plea to the U.S. Senate opposed to the Thurmond bill representing an awesome array of religious and moral power. They are highly esteemed members of the clergy recognized worldwide in their respective denominations. Not one has been labeled as liberal extremist or religious zealot agitating to do grave damage to any well-founded theological tenets.

Mr. Speaker, I recommend my colleagues give undue weight to these religious leaders heavy moral pronouncements.

PRO-LIFE AND CAPITAL PUNISHMENT

Mr. Speaker, I am appalled that so many Members of this body who consistently use the well of this House as a forum for championing the "right-to-life" of the unborn are now demeaning the sacred lives of those already born by supporting a capital punishment amendment to the Omnibus Drug Initiative Act. This contradictory behavior, however, is by no means exclusively limited to Members of Congress.

Recently, when the Roman Catholic Bishops of America suggested that the right-to-life movement expand its agenda to include poverty, hunger, nuclear war, and capital punishment, an intense disagreement between leadership and laity erupted and became a matter of public debate. The recommendation to align these issues soared among ultraconservative, Catholic, anti-abortion groups like a lead-filled balloon. If the Catholic Bishops are not more judicious in their moral interpretations, they may soon find themselves the objects of petition drives demanding their impeachments.

Despite the direction given by religious leadership, most Christian followers refuse to recognize the logical link between right-to-life and the abolition of capital punishment. Speaking to this point, the Catholic Bishops of the United States said:

We do not wish to equate the situation of the criminals convicted of capital offenses with the condition of the innocent unborn or of the defenseless aged or infirm, but we

do believe that the defense of life is strengthened by eliminating exercise of a judicial authorization to take human life.

The American Bishops have been backed on this issue by Pope John Paul II. A spokesman for the Vatican said:

If we are going to be for life, we have to be for all life, not just in the womb * * * and this Pope is definitely for life.

In spite of this endorsement, Cardinal Joseph L. Bernardin of Chicago, who advanced the idea of aligning other moral considerations with the right-to-life movement, has found himself under attack from the Catholic right.

Robert M. Patrick of the ad hoc committee in defense of Life Inc., explained that:

A broad range of pro-life leaders * * * are rejecting the Chicago Archbishop's demand that abortion be made just another issue among many others—ranging from poverty to a concern for human rights in El Salvador—because it would deny abortion's unique status as the nation's premier social issue * * *

In the organization's newsletter, "Lifeletter," it was reported, "The great majority of antiaborts (sic) reject linkage of abortion with anything else." That judgment was the result of a nationwide poll. In a similar reaction to Cardinal Bernardin's proposal, an antiabortion group in Massachusetts adopted a resolution decrying "Any and every attempt to classify as pro-life any candidate * * * locally or nationally, who supports abortion, promotes abortion or votes to fund abortion." The "Catholic Eye," a conservative news organ of the church opines, "Pro-abortion Catholic politicians like Senators TEDDY KENNEDY and Vermont's PAT LEAHY can now claim to be as pro-life as, say, HENRY HYDE or JESSE HELMS—you know, they just take different sides."

Mr. Speaker, the bishop's statement makes it clear that it is inconsistent to cherish the life of the unborn and at the same time demean the life of those already born. In the vernacular of the ghetto, the bishops are saying, "That bird won't fly."

Speaking of birds, one member of the pro-life movement, James Hitchcock, a professor of history at Saint Louis University, rejected Bishop Bernardin's wedding of abortion to capital punishment. He wrote, "The bishops want to shed the abortion albatross by changing the subject from abortion to the immorality of nuclear war * * *"

Others in the right-to-life movement are not so poetic in their depictions. A board member of Missouri Citizens for Life, said, "Abortions and nuclear war are not analogous moral questions."

It seems as if ardent supporters of the pro-life movement who also advocate the death penalty adhere to a definition of life which is limited in scope and relegated to a time certain. As our colleague Representative BARNEY FRANK of Massachusetts said recently " * * * according to them, life begins at conception and ends at birth." What occurs after that miraculous occasion is of far less consequence to them. Perhaps that explains why most pro-lifers oppose Government funding of programs to clothe the naked, feed the hungry, and house the homeless. It also may explain

how they rationalize hawkish stances on war and nuclear proliferation while displaying little concern for toxic contamination of the air and water. If life begins at conception and ends at birth, why should anyone give serious thought to what transpires thereafter?

Executing a 13-year-old boy in the electric chair at a State prison in Florida is acceptable to those same people who believe that aborting a 13-day-old fetus is sufficient cause for a massive protest demonstration. In fact, recent marchers sponsored by the National Right-to-Life Movement have attracted thousands of people to Washington, DC. These marches are scheduled to coincide with the anniversary of the 1973 Supreme Court decision—*Roe versus Wade*—which held that the Constitution protects a woman's decision to terminate her pregnancy. Although the same Supreme Court is responsible for opening the floodgates and allowing States to take the lives of over 1,400 prisoners, few, if any of the protesters have decried this particular assault on human life.

Mr. Speaker, since Cardinal Bernardin observed the relationship between abortion and other life support issues, most leaders of the pro-life movement have scrambled to capture the moral high ground. While emphasizing abortion as the only question of ethics on the political horizon they carefully articulate the evils of nuclear war, decry the abandonment of the sick, the hungry and the elderly, and silently disregard capital punishment. The leaders of this movement have demonstrated a single-minded crusade to defeat all elected officials who disagree with them on the question of abortion, while simultaneously embracing those who oppose the other life support issues inherent in the right-to-life struggle—including capital punishment.

NARCOTICS, HANDGUNS AND THE DEATH PENALTY

Mr. Speaker, once again Members of Congress are engaging in a charade. This time it involves a purported concern about the growing menace of illegal narcotics and a real determination to curb its pervasiveness. Many of us claim to be genuinely sincere about ridding society of this danger. If so, why are we equivocating and procrastinating on the single, most critical issue making drug trafficking possible—the absolute availability of guns.

Mr. Speaker, those of us interested in eradicating drug related crime should be talking about making the manufacture, sale, and possession of guns illegal. Advocating a 7-day waiting period is only a cosmetic approach to this desperate problem.

With each act of killing, each act of mayhem, each act of violence—official and unofficial—our society becomes a little less civilized. The masses refuse to take issue with policy that is psychologically in synch with their own distorted opinions about capital punishment. Elected officials conversely find moral strength in popular opinion. So the cycle is completed and continues in self-propelled motion. Rather than deterrence we have an escalation of violence.

In the year 1980, only 77 people were killed in Japan by handguns; 18 in Sweden; 8 in Great Britain; 23 in Israel; 24 in Switzerland; 4 in Australia and 8 in Canada. Those murdered by handguns in 7 industrial countries comprising a population of over 250 million people to-

taled 278. During the same year in the United States, a nation of 232 million or 18 million fewer people, there were 11,522 persons killed by handguns. This exorbitant number does not indicate that citizens of other countries are more civilized than we. It simply means that other nations more scrupulously control the weapons of violence frequently used for slaughtering people.

Other advanced societies consider it a serious offense to possess handguns. In our culture it is considered a badge of honor. No patriotic, red-blooded American would be caught without a magnum 45 or a 38 special on his premises. The question is not so much the "right to bear arms"; it's one of an imagined need to do so. The availability of millions of handguns and easy accessibility to them reduces the United States to an armed camp of citizen combatants where the murder rate is uncontrollable. Arguments by at worst, "Guns don't kill people—people kill people" is a trite euphemism. It does not begin to answer the basic question of why less than 300 people killed 300 other people in 7 other civilized nations approximating the population of the United States while over 11,000 people were killed with handguns in the United States. The "right to bear arms" is the most slanderously misinterpreted section of the Constitution. That guarantee was ratified when a citizen army was the only viable protection for this country and a gun was the only means of repelling wild animals. Our national militia now has the responsibility of protecting this Nation and its freedoms. The U.S. Government and its 50 States spend billions of dollars a year to perform this task.

The right to bear arms is vague and misleading. If the Government can enact laws which make it illegal to possess machine-guns, bazookas, and howitzers without infringing on the constitutional right of citizens, why can't it impose the same conditions on handguns? The right to bear arms in the Constitution does not specify handguns. It could very well mean bows and arrows, poisoned darts, M1 tanks and atomic bombs. In a recent speech before the American Bar Association, retired Supreme Court Justice Lewis F. Powell, Jr. said: "With respect to handguns * * * it is not easy to understand why the Second Amendment, or the notion of liberty, should be viewed as creating a right to own and carry a weapon that contributes so directly to the shocking number of murders in the United States."

If murder, while engaged in narcotics trafficking, is the reason for supporting the death penalty in our drug abuse legislation, and if handguns are usually used in those murders, logic dictates that the question of handguns be addressed.

Organizations such as the National Rifle Association raise millions of dollars annually by propagandizing the public into believing that the foundation of our democracy rests on the inalienable right of citizens to own pistols. Meaningless slogans employed to panic the population into lobbying their elected officials and donating millions of dollars to the coffers of the NRA are logical extensions of the pro-gun committee.

Legitimate arguments and real issues are brushed aside in a storm of emotional protest

which precludes any real discussion about the control of handguns. Despite the fact that public opinion surveys show overwhelming support among the voters for control of handguns, this Congress refuses to enact legislation to achieve that end. A 1981 national survey conducted by Peter Hart indicates 76 percent of the American voters support handgun registration; 89 percent favor a waiting period between purchase and pickup of a handgun in order to permit a police background check; 77 percent favor banning small, cheap, low-quality handguns; 93 percent support a mandatory sentence for using a handgun in a crime; and 95 percent of voters surveyed support requirements for the prompt reporting of the theft or loss of a handgun.

All national polls consistently reveal results similar to those reported by Peter Hart. Yet legislators at the State and national levels refuse to legislate in this area. Those opposed to handgun control look only at one aspect of the surveys dealing with mandatory sentencing and advocate that this feature alone become law. But until we eliminate or at least sharply reduce, the ready availability of handguns in our communities, law enforcement officials are ill equipped to fight the drug trade menace.

Pistols and revolvers, more than any other weapon, were used to commit violent, drug related crimes in the year 1982. In our Nation we experienced 9,055 handgun murders while handguns were used in 145,610 aggravated assaults and 214,755 robberies, many of which involved illegal narcotics trafficking. Mr. Speaker, if the millions of handguns now available for drug related criminal enterprises were unavailable, no other weapon capable of causing such misery and suffering would be available as a replacement. Banning the manufacture, sale and transfer of handguns is critical to any effort to reduce drug crime in this country. Handgun control is the first step toward eradicating the illegal drug market.

CAPITAL PUNISHMENT IS NO DETERRENT

Mr. Speaker, I am bewildered by those who, espousing an abhorrence to drugs and drug pushers, insist that a death penalty amendment be included in the omnibus drug initiative. This controversial provision will do nothing to help enable law enforcement authorities abolish the illegal narcotics trade.

At the very least, those who argue that capital punishment deters capital crime should produce facts to substantiate this outrageous claim. Decisionmaking based on speculation instead of the facts in evidence is hardly prudent.

What is necessary to establish that the death penalty is a deterrent? First and foremost, it is necessary to demonstrate that those States which impose capital punishment have a significantly lower rate of murder than those States which have abolished it. However, the facts show that this simply is not the case. Second, there should be evidence of an appreciable murder decrease in those communities where a highly publicized execution occurs in connection with a notorious crime. Proponents of capital punishment cannot point to one such occurrence. Third, States which have imposed the death penalty ought to experience a sharp decline in crimes which

carry this penalty, while those which have abolished it ought to show a sharp increase in the same crimes. This is not the case in a single instance where States have imposed or abolished the death penalty. Fourth, the residents of States which authorize the death penalty should feel safer on their streets than do the citizens of those States which have repealed the death penalty. But again, this simply is not the case. Florida, Texas, and California have 25 percent of the total number of persons awaiting execution in the United States. Their residents do not feel any safer than those in Michigan, Massachusetts, and South Dakota. Placing the mass murderers of California, the drug-dealer murderers of Florida, and the cowboy killers of Texas on death row has not made Los Angeles' Sunset Boulevard or Miami's Flager Street or Houston's Main Street any safer than King Street in Honolulu, HI.

Clearly, if the death penalty were any kind of effective deterrent, those States which apply it would have fewer incidents of major crime. At a minimum there ought to be an established relationship between the threat of capital punishment and the fear of criminals to practice those crimes which carry a capital punishment. There is no known correlation.

In contrast to this and many other studies, those who claim the deterrence effect of capital punishment have failed to advance this argument beyond conjecture. They have not substantiated the requirements necessary to establish that capital punishment deters criminal activity. First, they should demonstrate that criminals pause, think and make judgments about the consequences of being caught before they commit capital crimes. Second, within this decisionmaking process, do individuals weigh the possibility of death or some lesser sentence before committing criminal acts? Third, if the aforementioned process occurs, how often does the threat of capital punishment prevent an act of murder? To the contrary, the evidence indicates that most murderers give little, if any, thought to being apprehended, and no thought to being executed. These individuals usually find themselves in a state of total disbelief when confronted with the reality of a prosecution demanding the death penalty.

In addition to the empirical evidence produced in this country, European studies also show the failure of capital punishment as a deterrent. Mr. Robert Badinter, Minister of Justice of the French Republic, in a 1983 speech before Amnesty International, USA, cited such evidence. He said:

Specifically, from 1888 to 1987, the various presidents of France made only sparing use of their powers of commutation and the guillotine was in steady operation. The number of murders during that 10 year period was 3,066. On the other hand, from 1898 to 1907, the presidents of France, who happened to be abolitionists, systematically commuted all death sentences. If the proponents of the death penalty as a means of deterrence are to be believed, this period of announced clemency should have brought about a striking increase in violent crime. What in fact happened? Exactly the opposite, while the guillotine was idle, the number of murders fell by 50 percent.

Here is further concrete evidence. In Massachusetts, New Hampshire, and Washington, the average murder rate for the years when the death penalty was in effect are higher than when it was not in effect. Capital crimes in States such as Alaska, Iowa, Maine, Michigan, and Minnesota, which do not have capital punishment, are no more frequent than in States which impose capital punishment. In fact, the five States which lead in the number of murders per 100,000 population—Georgia, South Carolina, Florida, Alabama, and Texas—all use the death penalty. On the other hand, the five States with the lowest murder rates per 100,000 population—Minnesota, Wisconsin, Iowa, New Hampshire, and North Dakota—have abolished the death penalty. Factors other than the death penalty are important in affecting the changes in murder rates in these States.

Mr. Speaker, if we have any genuine intention of enacting responsible legislation to help law enforcement officials fight drug related criminal activity we will reject all irrelevant amendments to the omnibus drug initiative and enact an effective law. A capital punishment amendment may be emotionally appealing to some but it is irrelevant to our cause. We cannot pretend that this amendment will protect the innocent citizens of our Nation from the drug related crimes running rampant in our streets. The empirical evidence is all to the contrary. A capital punishment law will not stop a single mugging, a single burglary or a single murder and we must not fool ourselves into thinking that it might help stop illegal drug use.

WHO ARE THE VICTIMS OF CAPITAL PUNISHMENT

Mr. Speaker, as we consider the death penalty amendment to the omnibus drug bill, I must urge my colleagues to reflect on the history of the use of capital punishment in our society.

In 1623, when some of our earliest ancestors were migrating to the new world, John Donne wrote:

*** Any man's death diminishes me, because I am involved in mankind; and therefore never said to know for whom the bell tolls; it tolls for thee.

Many in our society, indeed many in this Congress do not agree with the sentiments expressed by this distinguished writer. In-depth studies demonstrate that the death penalty is applied in a wholly capricious and arbitrary manner. Between the years 1930 and 1982, 3,800 persons were officially executed in the United States. The only consistent factor in each case is that every victim was economically disadvantaged and/or the member of a minority group. Poverty and race are the two constant factors in the capital punishment equation. Ethics, principles and morality have nothing to do with the State's decision to kill people. The rich, the famous, and the influential do not suffer such harsh punishment. Retribution for these individuals ranges from exoneration to life imprisonment—and most often it is tied to an individual's wealth, fame, and influence.

In order to comprehend the real extent and the magnitude of capital punishment in the United States, we should add the number of black Americans who were lynched to the list of 3,800 people who were officially executed

by the State. Although lynching was not carried out in accordance with due process of the law, the State sanctioned these executions by its failure to prosecute the whites who carried out these barbarous deeds.

Since 1934, lynchings have not posed a problem of national concern. Between 1935 and 1962, a mere 85 Americans were reported as victims of lynchings. But, from 1882 to 1934, 4,736 people were lynched in the United States. Of this number, 3,362 were blacks accused of homicide, felonious assault, rape, attempted rape, robbery, theft, and insulting a white person. The official number of lynchings is probably underestimated by at least 75 percent. Most lynchings never came to public attention and those which did usually were quickly dismissed as necessary to preserve law and order.

One case, typical of many others, made its way to the Supreme Court of the United States. In this suit, *Moore v. Dempsey*, 261 U.S. 86 (February 19, 1923), Justice Holmes delivered the opinion. This action was a highly unusual; most similar cases were disposed of by local grand juries and never reached the Supreme Court. But in this instance, according to the *Negro Almanac*:

This case was an outgrowth of an Arkansas race riot, during which one white man was killed, and several people of both races were injured. Twelve blacks were sentenced to death, and 67 to lengthy prison terms.

Black witnesses appearing at the trial were whipped until they consented to testify against the accused. The all-white jury heard the case in the presence of a mob threatening violence if there were no convictions. The court appointed counsel did not ask for a change of venue, and called no witnesses—not even the defendants themselves. The trial lasted 45 minutes, and the jury brought in a verdict of guilty after five minutes.

NAACP attorneys later applied for a writ of habeas corpus in the federal courts, a petition which was at first dismissed on demurrer. The U.S. Supreme Court ultimately ruled that the petition would be heard, and reversed the decision of the Arkansas District Court, with Justice Holmes stating in his opinion that "*** counsel, jury and judge were swept to the fatal end by an irresistible wave of public passion ***"

Conditions and circumstances have not fundamentally changed since the days of illegal, State-sanctioned lynchings. Today, the same inhumane mentality exists toward blacks and poor whites.

In October 1983, 1,268 convicted criminals were on death row; 654 poor whites, 531 poor blacks, 67 poor Hispanics, 9 poor native Americans, 5 poor Asian-Americans and 2 others quietly awaited extermination. Only 30 percent of the American population is classified as poor, only 12 percent as black, and 65 percent of blacks fall into the category of poor. If 100 percent of those on death row are poor and 42 percent of them are black, collective wisdom tells us that the "bell tolls" only for those who are black and poor.

Justice William O. Douglas wrote in the *Furman* case, "One searches our chronicles in vain for the execution of any member of the affluent strata of this society." Common sense reveals something grossly unfair about a legal system which subjects only blacks and poor

whites to barbaric punishment. Common decency demands we address this abomination and common cause mandates that we end this injustice.

If blacks were guilty of committing premeditated murder in disproportionate numbers, their more frequent execution numbers would have a different meaning. But, the simple truth is that blacks do not commit premeditated murder more frequently than the general population. The capricious and arbitrary punishment of black defendants underlies this higher rate of conviction. Black defendants are most often the victims of incompetent legal representation and discrimination in jury selection. In addition, there is often a dual standard for assessing the value of life in the majority community and the value of life in the minority community. The combination of these factors is the real reason for the higher number of blacks on death row.

For example, in the State of South Carolina, 75 percent of those sentenced to die in recent years were black. Yet, not a single black served on any of the juries which convicted these individuals. This reality reflects what is common practice throughout our entire Nation. The only white to receive the death penalty was shamefully represented by an incompetent prima donna masquerading as an attorney. As reported by David Bruck in the New Republic:

In South Carolina, where I practice law, murders committed during robberies may be punished by death. According to police reports, there were 286 defendants arrested for such murders from the time South Carolina's death penalty law went into effect in 1977 until the end of 1981. (About a third of those arrests were of blacks charged with killing whites.) Out of all of those 286 defendants, the prosecution had sought the death penalty and obtained final convictions by the end of 1981 against 37. And of those 37 defendants, death sentences were imposed and affirmed on only 4; the rest received prison sentences. What distinguished those 4 defendants' cases was this: 3 were black, had killed white storeowners, and were tried by all-white juries; the fourth, a white, was represented at his trial by a lawyer who had never read the State's murder statute, had no case file and no office, and had refused to talk to his client for the last 2 months prior to the trial because he'd been insulted by the client's unsuccessful attempt to fire him.

Mr. Speaker, the effort to enact a Federal death penalty amendment to the omnibus drug initiative is really just an attempt to involve the Federal Government in the legal lynchings that too many States still practice. If a Federal death penalty law is enacted, we already know who is liable to be executed. We cannot pretend that this death penalty amendment will send a single drug kingpin to the electric chair. A death penalty means absolutely nothing to the heads of the international drug cartels. Those who earn millions of dollars a year in the illegal narcotics trade already have their own armies, their own assassins, and their own methods of justice. The only individuals who might ever be affected by this amendment are a handful of poor blacks whose ancestors were already lynched by our Government and who have perhaps developed some misguided and distorted dreams

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about how to improve themselves in a capitalist society. The death penalty amendment is a travesty to justice and it is a crime to attach it to the omnibus drug initiative. I encourage my colleagues to defeat this misguided, distorted, and abominable amendment.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, September 15, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 16

9:30 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on state taxation of interstate transportation.

SD-628

Environment and Public Works
Business meeting, to consider pending calendar business.

SD-406

10:00 a.m.

Foreign Relations
War Powers Subcommittee
To continue hearings to review the War Powers Resolution of 1973 (P.L. 93-148).

SD-419

10:30 a.m.

Environment and Public Works
Environmental Protection Subcommittee
Hazardous Wastes and Toxic Substances Subcommittee
To resume joint hearings on the greenhouse effect and policies to mitigate adverse climate change.

SD-406

1:45 p.m.

Foreign Relations
To hold hearings on the nomination of Robert B. Oakley, of Louisiana, to be Ambassador to the Islamic Republic of Pakistan.

SD-419

2:00 p.m.

Governmental Affairs
To hold hearings on the nominations of James H. Atkins, of Arkansas, Stephen

E. Bell, of Virginia, and John D.avenport, of Oklahoma, each to be a Member of the Federal Retirement Thrift Investment Board, and Bert H. Mackie, of Oklahoma, to be a Governor of the U.S. Postal Service.

SD-342

SEPTEMBER 19

9:30 a.m.

Energy and Natural Resources
To hold hearings on the nominations of Jerry J. Langdon, of Texas, Charles G. Stalon, of Illinois, and Charles A. Tra-bandt, of Virginia, each to be a member of the Federal Energy Regulatory Commission.

SD-366

2:00 p.m.

Energy and Natural Resources
To hold hearings on the effect of global atmospheric change on domestic forest resources.

SD-366

SEPTEMBER 20

9:00 a.m.

Energy and Natural Resources
To resume hearings on S. 2667, to establish a national energy policy to reduce the generation of carbon monoxide and trace gases in order to slow the pace and degree of atmospheric warming and global climate change, focusing on titles XIV, XV, and XVI, and the relationship of international deforestation and development policies to global atmospheric change.

SD-366

Veterans' Affairs
To resume oversight hearings to review the adequacy of available funds and personnel for the Veterans' Administration health-care system.

SR-418

9:30 a.m.

Environment and Public Works
Environmental Protection Subcommittee
To hold oversight hearings on implementation of programs for the protection of the Chesapeake Bay.

SD-406

Governmental Affairs
To hold hearings on S. 2298, to require the Administrator of the General Services Administration to encourage the development and use of plastics derived from certain commodities, and to include such products in the GSA inventory for supply to Federal agencies.

SD-342

Rules and Administration
Business meeting, to consider a report on the operation of the Senate, a report on impeachment proceedings pursuant to instructions of the Senate, S. 1766, to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia, an original resolution to provide supplemental funding for the Special Committee on Investigations of the Select Committee on Indian Affairs, and other pending calendar business.

SR-301

10:00 a.m.

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.

SD-562

1:30 p.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold oversight hearings to review the U.S. and foreign commercial service.
SD-562

SEPTEMBER 21

9:30 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on a staff report on the proposed National Affordable Housing Act.
SD-538

2:00 p.m.
Select on Indian Affairs
Business meeting, to consider pending calendar business.
SR-485

SEPTEMBER 22

9:30 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue hearings on a staff report on the proposed National Affordable Housing Act.
SD-538

Commerce, Science, and Transportation
To hold hearings to examine airline concentration at hub airports.
SD-562

2:30 p.m.
Finance
To hold hearings to examine the role of the Federal Government on child care services, and to review proposed

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changes to current law relating to child care issues.
SD-215

SEPTEMBER 27

9:30 a.m.
Governmental Affairs
To resume hearings to review the causes and consequences of alcohol abuse and alcoholism in the United States.
SD-342

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the American Legion.
SD-106

SEPTEMBER 28

9:00 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business.
S-146, Capitol

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review current food prices.
SR-332

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on a staff report on the proposed National Affordable Housing Act.
SD-538

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 2728, to permit coal to be transported in foreign flag vessels between the States of Alaska and Hawaii without regard to section

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27 of the Merchant Marine Act of 1920, and S. 2729, to allow certain foreign-flag vessels to carry passengers among ports in Alaska and between points in Alaska and Seattle, Washington.
SD-562

Governmental Affairs
To continue hearings to review the causes and consequences of alcohol abuse and alcoholism in the United States.
SD-342

SEPTEMBER 29

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, and General Legislation Subcommittee
To hold joint hearings with the House Committee on Agriculture's Subcommittee on Department Operations, Research, and Foreign Agriculture on critical challenges facing agricultural research.
SR-332

OCTOBER 3

2:00 p.m.
Governmental Affairs
To resume hearings on regulatory reform.
SD-342

OCTOBER 5

10:00 a.m.
Governmental Affairs
To hold hearings on S. 2721, Federal Advisory Committee Act Amendments of 1988.
SD-342